

# **Ofcom Broadcast and On Demand Bulletin**

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## Introduction

Under the Communications Act 2003 (“the Act”), Ofcom has a duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives<sup>1</sup>. Ofcom also has a duty to secure that every provider of a notifiable On Demand Programme Services (“ODPS”) complies with certain standards requirements as set out in the Act<sup>2</sup>. Ofcom must include these standards in a code, codes or rules. These are listed below.

The Broadcast and On Demand Bulletin reports on the outcome of investigations into alleged breaches of those Ofcom codes and rules below, as well as licence conditions with which broadcasters regulated by Ofcom are required to comply. We also report on the outcome of ODPS sanctions referrals made by the ASA on the basis of their rules and guidance for advertising content on ODPS. These Codes, rules and guidance documents include:

- a) [Ofcom’s Broadcasting Code](#) (“the Code”) for content broadcast on television and radio services.
- b) the [Code on the Scheduling of Television Advertising](#) (“COSTA”) which contains rules on how much advertising and teleshopping may be scheduled in television programmes, how many breaks are allowed and when they may be taken.
- c) certain sections of the [BCAP Code: the UK Code of Broadcast Advertising](#), which relate to those areas of the BCAP Code for which Ofcom retains regulatory responsibility for on television and radio services. These include:
  - the prohibition on ‘political’ advertising;
  - sponsorship and product placement on television (see Rules 9.13, 9.16 and 9.17 of the Code) and all commercial communications in radio programming (see Rules 10.6 to 10.8 of the Code);
  - ‘participation TV’ advertising. This includes long-form advertising predicated on premium rate telephone services – most notably chat (including ‘adult’ chat), ‘psychic’ readings and dedicated quiz TV (Call TV quiz services). Ofcom is also responsible for regulating gambling, dating and ‘message board’ material where these are broadcast as advertising<sup>3</sup>.
- d) other licence conditions which broadcasters must comply with, such as requirements to pay fees and submit information which enables Ofcom to carry out its statutory duties. Further information can be found on Ofcom’s website for [television](#) and [radio](#) licences.
- e) Ofcom’s [Statutory Rules and Non-Binding Guidance for Providers of On-Demand Programme Services](#) for editorial content on ODPS. Ofcom considers sanctions in relation to advertising content on ODPS on referral by the Advertising Standards Authority (“ASA”), the co-regulator of ODPS for advertising or may do so as a concurrent regulator.

[Other codes and requirements](#) may also apply to broadcasters, depending on their circumstances. These include the Code on Television Access Services (which sets out how much subtitling, signing and audio description relevant licensees must

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<sup>1</sup> The relevant legislation is set out in detail in Annex 1 of the Code.

<sup>2</sup> The relevant legislation can be found at Part 4A of the Act.

<sup>3</sup> BCAP and ASA continue to regulate conventional teleshopping content and spot advertising for these types of services where it is permitted. Ofcom remains responsible for statutory sanctions in all advertising cases.

provide), the Code on Electronic Programme Guides, the Code on Listed Events, and the Cross Promotion Code.

**It is Ofcom's policy to describe fully the content in television, radio and on demand content. Some of the language and descriptions used in Ofcom's Broadcast and On Demand Bulletin may therefore cause offence.**

## Broadcast Standards cases

### In Breach

#### Going Underground

RT, 5 and 23 March 2016, 14:00

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#### Introduction

RT is a global news and current affairs channel produced in Russia, and funded by the Federal Agency for Press and Mass Communications of the Russian Federation. In the UK, the channel broadcasts on satellite and digital terrestrial platforms. The licence for RT is held by Autonomous Non-profit Organisation TV-Novosti (“TV Novosti” or the “Licensee”).

*Going Underground* is a series of 30 minute current affairs programmes broadcast three times a week on RT.

A complainant drew Ofcom’s attention to two editions of the programme, which the complainant considered were not duly impartial in their treatment of the Turkish Government.

Both these programmes included interviews which touched on the policies and actions of the Turkish Government towards: the Kurdish minority within Turkey and ISIS (or ISIL<sup>1</sup>). The Kurds are an ethnic group that is mainly concentrated in a region that encompasses south-eastern Turkey and parts of northern Syria, northern Iraq and western Iran. There has been a long-standing history of tensions between the Turkish Government and the Kurdish community living in south-eastern Turkey. In particular, there has been a long-standing conflict between the Turkish Government and the PKK or Partiya Karkerên Kurdistanê (Kurdish Workers’ Party)<sup>2</sup>. Following a ceasefire agreed in 2013, hostilities between the Turkish Government and PKK restarted in the summer of 2015.

#### 5 March 2016 programme

During the first half of this programme, the presenter, Afshin Rattansi, said:

*“As Europe responds to the refugee crisis by pulling up the drawbridge, protesters in London will tomorrow take to the streets to protest the slaughter of Kurds fighting ISIS/Daesh in Syria. Who is doing the slaughtering? Allegedly*

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<sup>1</sup> The UK Government’s list of proscribed terrorist organisations dated 18 March 2016 states the following in relation to ISIL: “Islamic State of Iraq and the Levant (ISIL) also known as Dawlat al-Iraq al-Islamiyya, Islamic State of Iraq (ISI), Islamic State of Iraq and Syria (ISIS) and Dawlat al Islamiya fi Iraq wa al Sham (DAISh) and the Islamic State in Iraq and Sham - Proscribed June 2014. ISIL is a brutal Sunni Islamist terrorist group active in Iraq and Syria. The group adheres to a global jihadist ideology, following an extreme interpretation of Islam, which is anti-Western and promotes sectarian violence. ISIL aims to establish an Islamic State governed by Sharia law in the region and impose their rule on people using violence and extortion”. See [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/509003/20160318proscription.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/509003/20160318proscription.pdf)

<sup>2</sup> The PKK has been on the UK Government’s list of proscribed terrorist organisations since March 2001.

*David Cameron's NATO ally, Turkey... Unlike Washington and Moscow, though, David Cameron continues to support Turkish policy on Syria, even while preventing those seeking asylum from the shelling in Britain. Joining me now is one of the organisers of tomorrow's national demo, 'Stop Turkey's War on the Kurds', Mark Campbell”.*

During the subsequent interview, which lasted just under 10 minutes, the interviewee, Mark Campbell, remarked:

*“I mean, it's not being reported in the mainstream media in this country that Turkey has been attacking Kurdish cities, so that we have scenes in Kurdish cities in the south-east of Turkey that resemble places like Homs<sup>3</sup>, places like Kobane<sup>4</sup>, rubble, that have been under siege for months, but also in Rojava<sup>5</sup>, Turkey are not attacking ISIS, Turkey are attacking the Kurds, they're attacking the Kurds in Rojava, you know, their aim, if you like, was to try to bring NATO into the war on the side of Turkey, but that has clearly failed”.*

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*“Turkey are carrying out a genocidal war against the Kurds in Turkey and it's not being reported in our media. So you have a situation where Davutoglu, the Turkish prime minister, came to visit David Cameron in 10 Downing Street for trade deals, and at the same, exactly, literally at the same time, over 100 Kurds were burnt alive to death in basements in Cizre<sup>6</sup>, which has been suffering the most awful repression for many, many months. The three cities that are under such intense repression at the moment are the three cities that had a majority vote for the HDP<sup>7</sup>, for the pro-Kurdish party, so, and it's like Amnesty International have said, that Turkey are punishing the Kurds for voting for the HDP, for the pro-Kurdish party”.*

\*\*\*\*

*“If there's human rights abuses and suppression of millions of people going on inside one country, it shouldn't be just because one country is a member of NATO that there's a blanket of silence, which that has been the case about the Kurds for the last 80 years, in fact. The British government have supported Turkey's repression and war against the Kurds, so in fact this country has acquiesced in crimes against humanity against the Kurdish people in Turkey for the last 80 years”.*

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<sup>3</sup> Homs is a city in western Syria which has seen much fighting during the on-going Syrian conflict.

<sup>4</sup> Kobane is a city in northern Syria which has been the site of extensive fighting between Kurdish fighters and ISIL during the on-going Syrian conflict.

<sup>5</sup> Rojava is the Kurdish region of Syria.

<sup>6</sup> Cizre is a Kurdish city in south-eastern Turkey which has been the scene of military operations by the Turkish armed forces against the PKK since the second half of 2015.

<sup>7</sup> The HDP or Halkların Demokratik Partisi (People's Democratic Party) is a pro-Kurdish party in Turkey.

*“The British government have had the most shameful policy, frankly, towards the Kurds' struggle against ISIS. For many, many years, since 2011, they didn't do anything. They have basically been toeing and putting forward Turkey's position. So by supporting Turkey, and we now know and we've been campaigning since 2011 to expose the ties between ISIS and Turkey, to expose the support that Turkey has been giving ISIS, the UK have been very quiet, but at the same time, in that silence, it's meant that Turkey has been able to continue”.*

\*\*\*\*

*“I guess it's trade deals with Erdogan, it's trade deals with Turkey, it's a real shame, the British government, if they have joined the coalition they need to say to Turkey, ‘Stop bombing the Kurds’, because the Kurds are the best fighters against ISIS. It's time for a peaceful resolution to this long-standing issue within Turkey, the Kurdish question, because otherwise it's going to escalate, as you say, into a full-scale civil war in Turkey”.*

\*\*\*\*

*“Turkey have been fighting Kurdish demands for self-determination since the establishment of the Turkish state. Turkey denies the Kurds their identity and bans their culture, bans their language, you know, and have repressed heavily any attempt to get any rights within Turkey, and as part of that, this insidious labelling of the Kurdish people's struggle to get those right is taken up by Turkey's trading partners”.*

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*“There was a time when the European Union and voices were being raised against Turkey's behaviour and Turkey's actions, and supporting ISIS, so we very much see this as Erdogan<sup>8</sup> using the refugee crisis, creating the refugee crisis, in fact, so you have this extraordinary situation where Angela Merkel goes to Turkey at a time when again the Kurds are facing the most brutal repression in Cizre and Sur<sup>9</sup> and Silopi<sup>10</sup>, I mean serious war, full-scale war going on against them, and instead of raising that they're giving them billions of dollars to try to halt the flow of refugees”.*

Ofcom noted that the following statement was broadcast in sound only at the end of the programme whilst a picture of the Turkish flag was shown on screen:

*“We contacted the Turkish embassy about the allegations made in this interview, but they did not get back to us in time for this broadcast”.*

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<sup>8</sup> Recep Erdogan is the current Turkish President.

<sup>9</sup> Sur is a city in south-eastern Turkey which, like Cizre (see footnote 6), has been the scene of military operations by the Turkish armed forces against the PKK since the second half of 2015

<sup>10</sup> Silopi is a Kurdish city in south-eastern Turkey which, which like Cizre (see footnote 6) and Sur (see footnote 8), has been the scene of military operations by the Turkish armed forces against the PKK since the second half of 2015.

### 23 March 2016 programme

During the second half of this programme, the presenter, Afshin Rattansi, said:

*“Little wonder that Turkish President Erdogan appeared to forecast the Brussels atrocities: Turkey is on the front line of European support for militants trying to overthrow the government of President Assad, creating the refugee crisis and catalysing Islamist militancy funded by British allies in the Persian Gulf. But is Turkey now threatening the existence of the European Union? In a moment we'll hear from the Kurdish National Congress. First, I'm joined by Muharrem Erbey, a human rights lawyer who was jailed by the Turkish government. He's flown in from Diyarbakir in south-east Turkey to present evidence of Turkish atrocities against the Kurds to the British Foreign Office”.*

During the subsequent interview, which lasted just under four minutes, the interviewee, Muharrem Erbey made the following comments:

*“What's happening in the Kurdish region is that the Turkish Republic is carrying out, not a genocide, but an ethnocide against the Kurdish people who want their statutory state, and the international community is being silent about this ethnocide. We Kurds have been trying for a very long time to tell the people that we exist but nobody believed us, and we are trying to tell the world that we are dying, and again, nobody wants to listen. Kurds are trying to work out a new way of life and they are not accepting a state-imposed lifestyle, and that's what they are resisting against. As a result, they are facing a collective massacre”.*

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*“What's happening right now against the Kurds is the bloodiest genocide in Kurdish history. The way they oppressed us in the beginning of the 90s, they are doing it again. In the 90s there were more bloody government policies against the Kurds, but they were keeping them secret, but nowadays they don't hide them anymore, they do it openly. And now they are not only killing people, they are exposing dead bodies in the street for days and they are stripping off women naked in the street. In Kurdish culture, this is a very big insult, not to bury dead bodies for days and to expose them in the street, and they are trying to humiliate Kurdish people by leaving dead bodies in the street for several days. This is a very big insult”.*

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*“We people in the region have evidence that Turkey in the region is supporting ISIS. We can prove this with a thousand documents. They have been receiving medical support in the region, and ISIS are attacking the Kurds in Turkish territories. For example, more than 2,000 trucks have been carrying weapons. There is lots of evidence like this, and this shows that Turkey supports ISIS. We can prove this with thousands of documents. Lastly, two journalists [inaudible] have been arrested because they exposed in a newspaper that Turkey was selling guns to ISIS, and Turkey taking down the Russian jet was definitely a cover-up for their support for ISIS”.*

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*“ISIS gets support regionally and from big states like Turkey. The EU should recognise the Turkish massacre and support the Kurds”.*



During the interview the presenter, Afshin Rattansi, said the following:

*“Tell me about the Kurdish group the KCK, because they say Turkey shot down a Russian warplane because Turkey was supporting ISIS/Daesh”.*

Immediately after the interview with Muharrem Erbey, the presenter, Afshin Rattansi, remarked:

*“Well, joining me now is Michelle Allison, she's a woman representative of the Kurdish National Congress. In the past 24 hours she delivered a petition to the Foreign Office and called for the Human Rights Council to investigate Turkey's alleged mass killings of Kurdish civilians”.*

During the subsequent interview, which lasted approximately six and a half minutes, the interviewee, Michelle Allison said:

*“This is about the situation that's happening in the south-east of Turkey, the Kurdish region, about atrocities carried out by the Turkish government, about the list of people who've been killed, the children, the women, about the people who've been burned to death in those basements and in those buildings, and that the situation is escalating. We have been having regular meetings every three months, quarterly with them, and we have tried to prevent the war that's happening in Turkey in the several meetings. And they're well aware of the current situation on the ground with our evidences, with our submissions from the office of HDP or human rights organisations, so we've given them the same again, and we ask them to involve as a third eye, to involve and try to stop this. And they could be a bridge between the Kurdish side and the Turkish government to stop the atrocities and to come to a peace agreement, or to actually to start a dialogue again between the Kurdish parties and the Turkish government”.*

During the interview, the presenter asked commented:

*“David Cameron and Philip Hammond [the UK's Foreign Secretary] may not have been mentioning the atrocities you've been talking about, and I know that people have been killed around the New Year celebrations in the south-east of Turkey, even. What we did hear, though, was condemnation of something called the Kurdistan Freedom Falcons<sup>11</sup>, who claimed responsibility for the 13 March blast in Ankara, killing 35, most of them, all of them civilians. How can this grouping, which we were told on mainstream media here is the Kurds killing innocent Turks?”*

Michelle Allison continued:

*“So the British government, yes, condemned the incident in Ankara. But I think equally they should condemn the Turkish government's systematic torture and systematic attack on the Kurdish people and civilians, because Turkey is considering everything as a PKK, PKK people, that includes like three-years-old children and ten-years-old children and babies, new-born babies. And when you look at the news from Turkey, even from the British government, Western governments, they do not talk much about civilians that were trapped and killed,*

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<sup>11</sup> The Kurdistan Freedom Falcons is an extreme militant Kurdish group which is reported to be a breakaway faction of the PKK (see footnote 2).

*and mostly women and children, and they don't even condemn the way that they are treated, the dead people”.*

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*“Turkey is trying to attack the Kurds to stop the fight against ISIS. It is actually all interlinked, it's not independent what's happening in Iraq and Syria, the Turkish fight against Kurds are actually weakening the fight against ISIS”.*

As discussed further below, it was Ofcom's view that these programmes were dealing with matters of political or industrial controversy and matters relating to current public policy, namely the policies and actions of the Turkish Government, in particular allegations of genocide or ethnocide against or oppression of the Kurdish community (especially within Turkey), and its policies and actions towards ISIL. We therefore considered this content raised issues warranting investigation under Rule 5.5 of the Code, which states:

“Due impartiality on matters of political or industrial controversy and matters relating to current public policy must be preserved on the part of any person providing a service... This may be achieved within a programme or over a series of programmes taken as a whole”.

Ofcom therefore asked the Licensee to provide comments on how the programmes complied with the above rule.

## **Response**

### TV Novosti's initial representations

In summary, the Licensee stated its belief that it had preserved due impartiality in the programmes. In support of this view it made a number of arguments.

Firstly, the Licensee argued that it was not possible for RT to obtain the Turkish Government's "express responses" to the issues explored in the programmes, adding that it "finds it especially difficult to obtain pro-Turkey views for its programming". In this case, it had contacted the Turkish Embassy both before and after the programmes to request comments from the Turkish Government comments in response to the issues raised in the programmes. However, in each case, "the Turkish embassy either did not respond or responded negatively to the request". TV Novosti added that it had also "regularly tried to contact the Turkish Ministry of Foreign Affairs by email and through the Ministry's website enquiry form for its comments on various allegations raised against the Turkish government in its programming". The Licensee also said that "due to political tensions between Russia and Turkey following the downing of a Russian military aircraft by Turkish warplanes in November 2015, some pro-Turkey speakers purposefully ignore RT's requests for comment due to seeing a Russian TV station as the 'enemy'". It added that "some pro-Turkey speakers may be reluctant to appear on a Russian TV station for fear of being perceived as aiding a country at political odds with Turkey".

TV Novosti commented that: "Many of the issues reported in the Programmes had not been previously reported in the UK media and therefore no general public statement of the Turkish government was applicable to include in response". For example, in the 5 March 2016 programme, the Licensee said that the interviewee, Mark Campbell, referred to "Turkish attacks on Kurdish cities" as "*not being reported in the mainstream media*". Further, the interview with Muharrem Erbey, in the 23

March 2016 programme, “was filmed the day before Mr Erbey presented his evidence of alleged atrocities committed by the Turkish government against the Kurdish people to the UK Foreign Office”. The Licensee therefore argued that: “It would not have been appropriate for RT to have summarised the Turkish government’s position on the issues; this would involve RT guessing at the Turkish government’s stance based on its prior approach”. However, the Licensee said that: “Any relevant public statements subsequently made by the Turkish government have been included in RT’s news bulletins”.

Second, the Licensee said that in line with paragraph 1.37<sup>12</sup> of Ofcom’s published Guidance to Section Five of the Code it had used two editorial techniques, in the absence of the Turkish Government’s viewpoint, to preserve due impartiality. For example, TV Novosti said that it had set out other countries’ opinions on the issues discussed “in order to give viewers an alternative perspective in the Programmes”. For example, in the 5 March 2016 programme, the Licensee pointed out that:

- just before the interview with Mark Campbell, there was a brief clip of John Kirby, a US State Department Spokesman (“*We also urge Turkey not, to cease, the cross-border shelling [from Turkey to Syria]*”<sup>13</sup>);
- the video clip was then followed by the presenter stating: “*Unlike Washington and Moscow though, David Cameron continues to support Turkish policy on Syria, even while preventing those seeking asylum from the shelling in Britain*”; and
- during the interview with Mark Campbell, the presenter asked the following question: “*Do you think one of the problems is that the PKK are a designated terrorist group by the European Union and bizarrely by the US government, although of course the US government is helping PKK-aligned forces in the fight against ISIS/Daesh?*”

In TV Novosti’s view, the above three statements: “inform the viewer that: (i) the US is not in support of Turkey’s actions on the border with Syria; (ii) Britain is in support of Turkish policy on Syria; and (iii) the PKK (The Kurdistan Workers’ party) are

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<sup>12</sup> Paragraph 1.37 states: “It is an editorial matter for the broadcaster as to how it maintains due impartiality. Where programmes handle, for example, controversial policy matters and where alternative views are not readily available, broadcasters might consider employing one or more of the following editorial techniques:

- interviewers could challenge more critically alternative viewpoints being expressed, for example, by programme guests or audience members, so as to ensure that programme participants are not permitted to promote their opinions in a way that potentially compromises the requirement for due impartiality;
- where an interviewee is expressing a particular viewpoint, interviewers could reflect alternative viewpoints through questions to that interviewee;
- alternative viewpoints could be summarised, with due objectivity and in context, within a programme;
- having available interviewees to express alternative views; or
- if alternative viewpoints cannot be obtained from particular institutions, governments or individuals, broadcasters could refer to public statements by such institutions, governments or individuals or such viewpoints could be expressed, for example, through presenters’ questions to interviewees”.

<sup>13</sup> TV Novosti said that: “Although, when written down, Mr Kirby’s statement appears confusing, it is clear when watching the clip that his intention is to urge Turkey to cease the cross-border shelling from Turkey to Syria”.

designated as a terrorist group by the European Union and the US. The Licensee therefore argued that these viewpoints provided “other countries’ perspectives on Turkey’s actions and the status of the Kurdistan Workers’ Party [and] [t]hese perspectives seek to balance the obviously pro-Kurdish views of the interviewee”.

The second editorial technique cited by the Licensee was “critical questioning of interviewees” by the presenter in the two programmes. For example, in the 5 March 2016 programme, TV Novosti said the presenter asked the following question “in response to the interviewee’s statement that the British government’s silence on Turkey’s actions against Kurdish people in Turkey has allowed the Turkish government’s actions to continue”:

*“But what sway does Turkey have over the British Foreign Office, because this is London saying things not like Washington is saying?”*

According to TV Novosti, this question “challenges the interviewee to explain why he thinks that Britain is staying silent on the actions of the Turkish government against the Kurdish people”. It added that the interviewee’s response (“*I guess it’s trade deals*”) allowed viewers “to make their own assessment of whether the interviewee has sufficient evidence to prove that Britain is purposefully staying silent on the Turkish government’s actions”.

Another example of “critical questioning” cited by the Licensee was in the 23 March 2016 programme, where the presenter asked the following:

*“David Cameron and Philip Hammond may not have been mentioning the atrocities that you are talking about, and I know people have been killed around the New Year celebrations, in the southeast of Turkey even. [W]hat we did hear, though, was condemnation of something called the Kurdistan Freedom Falcons, who claimed the responsibility for the 13th March blast in Ankara, killing 35, many of them, most of them, all of them civilians. How can this grouping, which we were told here by the mainstream media here is the Kurds killing innocent Turks?”*

In TV Novosti’s view, this question “mentions Kurdish responsibility for a terrorist attack in Turkey and challenges the interviewee’s view that the Kurdish people are the innocent party in the conflict [and in] the absence of the Turkish government’s viewpoint, this question allows viewers to gain some perspective on the conflict and why the Turkish government may have animosity towards the Kurdish people”.

Third, the Licensee argued that for the purposes of Rule 5.5, the two editions of *Going Underground* should be considered as being “editorially linked to RT’s rolling news bulletins” which are broadcast hourly on RT and which preceded and succeeded the editions of *Going Underground*. To support this view, it said that during the two programmes in this case the statement “*For more on these stories visit www.rt.com*” was displayed “on the ‘ticker’ at the bottom of the screen”, and a “live feed of RT’s UK news channel is available at [www.rt.com](http://www.rt.com) as well as a summary of recent news stories”. TV Novosti added that during both editions of *Going Underground* the presenter said “*watch RT UK news on the hour*”. The Licensee therefore maintained that “*Going Underground* is intended to be supplemental to its news bulletins and should be regarded as part of a series of programmes with such bulletins”. It added that: “As *Going Underground* is pre-recorded it is not possible to link it specifically to stories within the live news bulletins that are shown either side of it. Instead...the news bulletins are referenced generally within *Going Underground*”.

The Licensee maintained that statements setting out the view of the Turkish government included in these bulletins “should be taken into account when assessing whether due impartiality has been preserved in the Programmes”. Therefore, where the Turkish Government made a public statement “relevant to issues reported in the Programmes, the statement was included in news bulletins when it became available”. However, TV Novosti said that “it is difficult for RT to provide alternative viewpoints on the specific issues raised in *Going Underground* because [it is]...often the first time such issues have been reported in the UK media. Where this is the case, RT will notify viewers of any public statement made by the ‘other side’ of an issue reported in *Going Underground* during its news bulletins on the same or a similar issue”.

The Licensee pointed to a number of statements from the Turkish Government that were included in RT news bulletins “[a]round the time of the Programmes in question”:

*“Turkey claims there have been no civilian victims, stating that its battle is against the Kurdistan Workers’ Party, which it deems a terrorist organisation”.* (10:00 news bulletin on 3 March 2016).

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*“Ankara has denied any link to the trade [weapons smuggling to ISIL]”.* (08:00 news bulletin on 4 March 2016).

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*“For its part Ankara strenuously denies supporting extremists, despite numerous reports claiming otherwise”.* (10:00 news bulletin on 4 March 2016).

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During an interview with guest Taleb Ibrahim, a Syrian political analyst, the presenter stated:

*“The things you've come out with [Turkey supports terrorists, buys their oil, treats them in its hospitals] are things that Turkey has strenuously denied from the outset...”.* (10:00 news bulletin on 4 March 2016)

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*“For its part Ankara strenuously denied supporting extremists on more than one occasion saying that there were no grounds at all for such accusations, despite numerous reports claiming otherwise”.*

A graphic was also displayed showing the following quote from Turkish PM Ahmet Davutoglu:

*“No. Never. Never. Never. We supported only those who escaped from Assad's atrocities... This is an unfair assessment and accusation against Turkey which there is no ground at all”.* (16:00 and 22:00 news bulletins on 4 March 2016)

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*“The Turkish government itself hasn’t commented yet on the seizure [of the Zaman newspaper]. But the newspaper has links to a cleric that Ankara claims heads a terror group”.* (22:00 news bulletin on 4 March 2016).

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*“In the past the Turkish Prime Minister has reacted angrily to suggestions that there is no press freedom in the country claiming that no one has ever been imprisoned for journalistic activities”.* Graphics showing the following quotes from Turkish PM Ahmet Davutoglu were displayed at the same time: *“There is no journalist in any Turkish prison for journalism activities”*; and *“Having a yellow press card doesn’t immunise from crime”.* (14:00 news bulletin on 5 March 2016).

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*“Ankara, in turn, insists its military operation in Kurdish areas only targets banned PKK militants whom Turkey calls terrorists”.* (08:00 news bulletin on 22 March 2016).

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*“Now, Turkish authorities claim they only target terrorists while shelling the Kurdish held areas”.* (20:00 news bulletin on 23 March 2016).

*“Turkey’s President has long denied all allegations [of links to ISIL]. Here’s what he said a few months back”.* (Cut to video of Turkish president speaking with English voiceover) *“Those who claim that we’re buying oil from Islamic State have to prove it, no one can defame this country like that, otherwise I would call them slanderers”.* (22:00 news bulletin on 24 March 2016).

In summary, TV Novosti said that: “By reporting the Turkish government’s position on the Kurdish issues RT intends to maintain due impartiality within the series of programmes [of] which the Programmes form a part”. It added that the above examples above set out the Turkish Government’s position in response to “criticism of: (i) its military efforts in Kurdish areas; (ii) its treatment of the press; and (iii) its links to ISIS/ISIL/Daesh, topics which are all covered by the interviews in the Programmes”.

Fourth, TV Novosti said that RT’s audience would expect the programmes in this case to “present a view underrepresented by the mainstream media (i.e. that of the Kurdish people) and not explore the Turkish government’s position in great detail”. In this regard, it cited Ofcom’s published Guidance<sup>14</sup> to Section Five where Ofcom notes that audience expectations “should be taken into account when assessing whether due impartiality needs to be or has been preserved”. The Licensee remarked that on the RT website<sup>15</sup> it is stated that RT “provides an alternative perspective on major global events, and acquaints an international audience with the Russian viewpoint”. It added that the series *Going Underground* is promoted as providing a “fresh perspective” on the “stories that aren’t being covered by the mainstream UK

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<sup>14</sup> TV Novosti cited paragraph 1.4 of the published Guidance to Section Five, which states: “in reaching a decision whether due impartiality needs to be preserved in a particular case, broadcasters should have regard to the likely expectation of the audience as to the content, and all other relevant contextual factors”.

<sup>15</sup> See <http://rt.com/about-us/>

media”<sup>16</sup>. In TV Novosti’s view, the audience for *Going Underground* “would expect the programme to explore particular topics solely from the perspective of those not represented in the mainstream UK media” and would not have “expected the Turkish government’s view to be explored in detail or for RT to be overly critical or challenging towards the views represented in the Programmes”. The Licensee argued that the audience to *Going Underground*: expect the programme to “expand upon and provide context to developing news stories, both in terms of additional facts and alternative opinions”; do not regard the programme “as a single programme to answer all of their questions and cover all opinions on a particular news story”; but rather “will look to news bulletins (whether broadcast by RT or otherwise) and other media in order to provide the ‘full picture’ on particular issues”.

Fifth, the Licensee cited other contextual factors<sup>17</sup> as relevant in the preservation of due impartiality in this case. It argued that “what other programmes are scheduled before and after” the editions of *Going Underground* were a relevant contextual factor because “those programmes reflected the viewpoint of the Turkish government”. TV Novosti added that even if “Ofcom does not accept that the news programmes are part of a series of programmes to which the programmes complained of are editorially linked, the news programmes scheduled before and after the programmes complained of are part of the context in which compliance falls to be assessed”.

An additional contextual factor cited by the Licensee was what it described as “Turkish Suppression of the Press” which had seen “numerous instances...of journalists being arrested in Turkey for reporting anti-government stories”. TV Novosti therefore stated its belief that “it has a duty to make its audiences aware of views that are critical of the Turkish government due to similar stories being suppressed in other media”.

#### TV Novosti’s representations on Ofcom’s Preliminary View

The Licensee provided the following additional representations in response to Ofcom’s Preliminary View in this case, which was to record a breach of Rule 5.5 of the Code. In particular, it said that “the importance of context and the other factors implicit in the definition in Section 5 of the Code should not be overshadowed or ousted altogether by any preoccupation with alternative viewpoints”. TV Novosti also said that Ofcom had used “the presence or absence of alternative viewpoints as the touchstone for compliance with the requirement of due impartiality”. The Licensee made two inter-related points to support this argument.

Firstly, TV Novosti said its understanding was that “the presentation of alternative viewpoints is one means among others of fulfilling the requirement but it is not mandatory except in relation to Rules 5.1, 5.9 and 5.12” of the Code because of the following:

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<sup>16</sup> See [www.rt.com/shows/going-underground/](http://www.rt.com/shows/going-underground/)

<sup>17</sup> The Licensee made reference to the fact that the definition of “due impartiality” in Section Five of the Code states: “...The approach to due impartiality may vary according to the nature of the subject, the type of programme and channel, the likely expectation of the audience as to content, and the extent to which the content and approach is signalled to the audience. Context, as defined in Section Two: Harm and Offence of the Code, is important”.

- in relation to Rule 5.1<sup>18</sup>, the requirement to provide alternative viewpoints “is in effect mandatory...at least in relation to criticisms of particular nation-states because Ofcom’s Guidance on Rule 5.1, at paragraph 1.15, says: ‘Broadcasters can criticise or support the actions of particular nation-states in their programming, as long as they, as appropriate, reflect alternative views on such matters’”;
- in relation to Rule 5.9<sup>19</sup>, it is “expressly mandatory” that “alternative viewpoints must be adequately represented either in the programme, or in a series of programmes taken as a whole” in personal view programmes; and
- in relation to Rule 5.12<sup>20</sup>, it is “also expressly mandatory” that “an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes”.

Second, the Licensee argued that in relation to Rule 5.5 “the position is different” and that in preserving due impartiality the Code is “not prescriptive as to how it is to be done and in particular does not require the licensee to do it by reflecting alternative views or viewpoints”. This is because, in TV Novosti’s view, Rule 5.5 merely says that “Due impartiality...must be preserved on the part of any person providing a service”. It added that the “different” approach to be taken in relation to Rule 5.5 is “reflected” in paragraph 1.34 of Ofcom’s published Guidance to Section Five, which is “less prescriptive because it says...:‘Depending on the specifics of the issue, it *may* be necessary, in order to fulfil the due impartiality requirements, that alternative viewpoints are broadcast’ [TV Novosti’s emphasis added]. The Licensee also cited the definition<sup>21</sup> of due impartiality contained in Section Five and argued that “the degree to which the programme avoids favouring one side over another must be adequate or appropriate to its subject and nature, the means to achieve this may vary and context is important”.

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<sup>18</sup> Rule 5.1 states: “News, in whatever form, must be reported with due accuracy and presented with due impartiality”.

<sup>19</sup> Rule 5.9 states: “Presenters and reporters (with the exception of news presenters and reporters in news programmes), presenters of “personal view” or “authored” programmes or items, and chairs of discussion programmes may express their own views on matters of political or industrial controversy or matters relating to current public policy. However, alternative viewpoints must be adequately represented either in the programme, or in a series of programmes taken as a whole. Additionally, presenters must not use the advantage of regular appearances to promote their views in a way that compromises the requirement for due impartiality. Presenter phone-ins must encourage and must not exclude alternative views”.

<sup>20</sup> Rule 5.12 states: “In dealing with matters of major political and industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. Views and facts must not be misrepresented”.

<sup>21</sup> The Licensee reprised the Code’s definition with its emphasis added: “Impartiality itself means not favouring one side over another. ‘Due’ means adequate or appropriate to the subject and nature of the programme. So ‘due impartiality’ does not mean an equal division of time has to be given to every view, or that every argument and every facet of every argument has to be represented. The approach to due impartiality may vary according to the nature of the subject, the type of programme and channel, the likely expectation of the audience as to content, and the extent to which the content and approach is signalled to the audience. Context, as defined in Section Two: Harm and Offence of the Code, is important”.



Given the above line of argument, the Licensee took issue with Ofcom's approach to applying Rule 5.5 in this case. In particular the Licensee argued that Ofcom had in its Preliminary View:

- appeared to "reflect paragraph 1.15 of Ofcom's Guidance ('Broadcasters can criticise or support the actions of particular nation-states in their programming, as long as they, as appropriate, reflect alternative views on such matters')". However, TV Novosti argued that "paragraph 1.15 provides guidance on Rule 5.1, which is not engaged in the present case";
- focused "without explanation (other than the extent and gravity of the criticisms [of the Turkish Government]) on a particular viewpoint, [and] goes beyond Rule 5.5 (let alone Rule 5.1) and its Guidance by asserting that a particular viewpoint was necessary".

Given the above TV Novosti argued that the "meaning of due impartiality as defined in...Section [Five] is sufficiently subtle and nuanced as to preclude an approach based on a bluff requirement that a particular viewpoint or viewpoints be present".

TV Novosti noted that Ofcom had also set out its view about what it described as "the bluff requirement" for an alternative viewpoint in a memorandum to a House of Lords Committee in 2014:

#### Section Five (due impartiality)

Section Five of the Broadcasting Code requires broadcasters to ensure that they reflect alternative viewpoints in their output when they are dealing with "matters of political or industrial controversy and matters of public policy". (Ofcom Memorandum, January 2014, paragraph 1.9)<sup>22</sup>.

The Licensee said that Ofcom's view here on the need for alternative viewpoints "appears to vary from one which (in our view correctly) reflects the multi-factorial definition of due impartiality in Section 5 [of the Code]".

In conclusion, the Licensee requested Ofcom to clarify "its position with respect to alternative viewpoints". It added that such clarification "would assist RT in particular having regard to the nature of the editorial model applied to its dedicated rolling news channel". The Licensee added that "[p]rogrammes such as those in the Going Underground series may address issues that are also addressed in RT's main news stories at or around the time of transmission but, since they are pre-recorded, they are not necessarily synchronised editorially with the news bulletins, which are transmitted live. In cases of ongoing 'breaking news' items, new developments may overtake a later broadcast of a programme in the series; or indeed material in a series item may itself have developed into new breaking news, whether on RT or other news channels".

#### **Decision**

Under the Communications Act 2003 ("the Act"), Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure the

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<sup>22</sup> Memorandum by Ofcom to the House of Lords Communications Committee on "Broadcast general election debates", p. 154 (see <http://www.parliament.uk/documents/lords-committees/communications/Broadcast-General-Election-Debates/BGEDEvidence.pdf>).

standards objectives, including that: news included in television and radio services is presented with due impartiality; and that the special impartiality requirements set out in section 320 of the Act are complied with. These standards are contained in Section Five of the Code.

When applying the requirement to preserve due impartiality, Ofcom must take into account Article 10 of the European Convention on Human Rights. This provides for the broadcaster's and audience's right to freedom of expression, which encompasses the right to hold opinions and to receive and impart information and ideas without interference by public authority. The broadcaster's right to freedom of expression is not absolute. In carrying out its duties, Ofcom must balance the right to freedom of expression on one hand against the requirement in the Code to preserve "due impartiality" on matters relating to political or industrial controversy or matters relating to current public policy.

Ofcom recognises that Section Five of the Code, which sets out how due impartiality must be preserved, acts to limit, to some extent, freedom of expression. This is because its application necessarily requires broadcasters to ensure that neither side of a debate relating to matters of political or industrial controversy and matters relating to current public policy is unduly favoured. However, Section Five of the Code does not dictate precisely what can and cannot be included in a programme, but enables the broadcaster to decide how it wishes to preserve due impartiality when required to do so. Depending on the specific circumstances of any particular case, it may be necessary to reflect alternative viewpoints or provide context in an appropriate way to ensure that Section Five is complied with.

Ofcom underlines that the broadcasting of highly critical comments concerning the policies and actions of any government or state agency is not, in itself, a breach of due impartiality. Any broadcaster may do this provided it complies with the Code.

Rule 5.5 of the Code states that:

"Due impartiality on matters of political or industrial controversy and matters relating to current public policy must be preserved on the part of any person providing a service... This may be achieved within a programme or over a series of programmes taken as a whole".

#### Application of due impartiality

We considered first whether the requirements of Section Five of the Code should be applied: whether the programme concerned matters of political or industrial controversy or a matter relating to current public policy.

This programme included a number of highly critical statements (see Introduction) about the policies and actions of the Turkish Government, in particular allegations of genocide or ethnocide against or oppression of the Kurdish community (especially within Turkey), and its policies and actions towards ISIL. Turkey was variously described as: *"attacking Kurdish cities"*; *"carrying out a genocidal war against the Kurds in Turkey"*; *"punishing the Kurds for voting for the HDP, for the pro-Kurdish party"*; *carrying out "repression and war against the Kurds"*; *"den[ying] the Kurds their identity"*; *"carrying out, not a genocide, but an ethnocide against the Kurdish people"*; *"not only killing people [but]... exposing dead bodies in the street for days and...stripping off women naked in the street"*; and *carrying out a systematic torture and systematic attack on the Kurdish people and civilians"*.

In addition, the following statements in the programmes related to the alleged actions of the Turkish Government:

*“...over 100 Kurds were burnt alive to death in basements”;*

*“Kurds are facing the most brutal repression in Cizre and Sur and Silopi, I mean serious war, full-scale war going on against them”;*

*“As a result, [the Kurds] are facing a collective massacre”;*

*“What's happening right now against the Kurds is the bloodiest genocide in Kurdish history”;*

*“The EU should recognise the Turkish massacre and support the Kurds”;* and

*“This is about the situation that's happening in the south-east of Turkey, the Kurdish region, about atrocities carried out by the Turkish government, about the list of people who've been killed, the children, the women, about the people who've been burned to death in those basements and in those buildings, and that the situation is escalating”.*

Further, the programmes alleged the Turkish Government had been giving “support” to ISIL. Specifically, the programmes stated that: *“Turkey are not attacking ISIS”;* there were *“ties between ISIS and Turkey...[and] support that Turkey has been giving ISIS”;* there is *“evidence that Turkey in the region is supporting ISIS...this shows that Turkey supports ISIS”* and *“Turkey was selling guns to ISIS, and Turkey taking down the Russian jet was definitely a cover-up for their support for ISIS”.*

In view of these statements we considered that the programme dealt with matters of political controversy and matters relating to relating to current public policy i.e. the policies and actions of the Turkish Government, in particular allegations of genocide or ethnocide against or oppression of the Kurdish community (especially within Turkey), and its policies and actions towards ISIL. Rule 5.5 was therefore applicable. The Licensee did not dispute that the due impartiality rules of the Code applied in this case.

#### Preservation of due impartiality

##### *Due impartiality within the two programmes*

Ofcom went on to assess whether the two programmes preserved due impartiality.

Section Five of the Code does not dictate what broadcasters can or cannot include in their programmes. For example, it does not prevent broadcasters from criticising the policies and actions of any government or state agency. However, in doing so broadcasters must adequately reflect alternative viewpoints on the matters of political controversy and/or current public policy being discussed, or provide sufficient other context.

In judging whether due impartiality has been preserved in a programme, the Code makes clear that the term “due” means “adequate or appropriate to the subject and nature of the programme”. The Code states that “‘due impartiality’ does not mean an equal division of time has to be given to every view, or that every argument and every facet of every argument has to be represented... “[t]he approach to due impartiality may vary according to the nature of the subject, the type of programme

and channel, the likely expectation of the audience as to content, and the extent to which the content and approach is signalled to the audience.” In addition, the Code makes it clear that context, as set out in Section Two (Harm and Offence) of the Code can be an important factor in preserving due impartiality. This covers a number of factors including the editorial content of the programme, the service on which the material is broadcast, the likely size, composition and expectation of the audience, and the effect on viewers who may come across the programme unawares.

Ofcom’s Guidance to Section Five states that whether or not due impartiality has been preserved will depend on a range of factors including the programme’s presentation of the argument and the transparency of its agenda (paragraph 1.33). It makes clear that the broadcasting of highly critical comments concerning the policies and actions of any one state or institution is not, in itself, a breach of the Code’s rules on due impartiality. In particular, the Guidance states that it is essential that current affairs programmes are able to explore and examine issues and take a position even if that is highly critical (see paragraph 1.34). It also says that the preservation of due impartiality does not require a broadcaster to include every argument on a particular subject or provide a directly opposing argument to the one presented in a programme (paragraph 1.33).

Nevertheless, the Guidance is clear that broadcasters “must maintain an adequate and appropriate level of impartiality in its presentation of matters of political controversy”. In particular, it says that “[d]epending on the specifics of the issue...it **may** be necessary, in order to fulfil the due impartiality requirements, that alternative viewpoints are broadcast [emphasis added]” (paragraph 1.34). The Guidance explains that due impartiality will not be maintained by “merely offering people or institutions likely to represent alternative viewpoints (for example, representatives of a foreign government) the opportunity to participate in programmes, who decline to do so”. If a broadcaster cannot obtain an interview or a statement on a particular viewpoint on a matter of political controversy then it “**must** find other methods of ensuring that due impartiality is maintained [emphasis added]”. The Guidance gives examples of a number of editorial techniques which a broadcaster might consider employing, where alternative views are not readily available, in order to preserve due impartiality. However, the Guidance makes it clear that it is an “editorial matter for the broadcaster as to how it maintains due impartiality”. See paragraphs 1.36 and 1.37.

We set out in the Introduction a series of statements made in these programmes which criticised various policies and actions of the Turkish Government. In effect the programmes made the very serious allegations that the Turkish Government was carrying out a “*genocide*” of the Kurdish community within Turkey, and was also supporting the extreme terrorist organisation, ISIL. It was Ofcom’s view that these programmes, when considered alone, gave a predominantly one-sided view on these matters of political controversy and matters relating to current public policy. We therefore assessed whether the Licensee provided sufficient alternative viewpoints on these policies and actions of the Turkish Government to preserve due impartiality. In particular, given the extent and gravity of the highly critical comments made about the Turkish Government, we considered that a key relevant viewpoint was one which either reflected the viewpoint of the Turkish Government on its policies and actions towards the Kurdish community and ISIL, and/or challenged the various serious criticisms being made against the Turkish Government within the programmes.

Ofcom noted that the programmes contained only one statement which directly referred to the viewpoint of the Turkish Government. This was the following statement, which was broadcast in sound only at the end of the 5 March 2016 programme whilst a picture of the Turkish flag was shown on screen:

*“We contacted the Turkish embassy about the allegations made in this interview, but they did not get back to us in time for this broadcast”.*

The Licensee explained the background to this statement, saying that it had not been possible for RT to obtain the Turkish Government’s “express responses” to the issues explored in the programmes. It said it “finds it especially difficult to obtain pro-Turkey views for its programming” and described its attempts to obtain a statement from the Turkish Embassy and Turkish Ministry of Foreign Affairs “through the Ministry’s website enquiry form” in this case. The Licensee pointed to “political tensions between Russia and Turkey” and said “some pro-Turkey speakers may be reluctant to appear on a Russian TV station for fear of being perceived as aiding a country at political odds with Turkey”.

Ofcom acknowledges the difficulties that can be faced by programme makers when making programmes that may criticise particular governments, and representatives of those governments may be reluctant or unwilling to provide statements or interviews. We also had regard to the tensions that existed between Russia and Turkey after the shooting down of a Russian military aircraft by Turkish forces in November 2015. However, we were concerned that the above statement at the end of the 5 March programme was the only comment in the two programmes which directly referred to the viewpoint of the Turkish Government. Viewers of the 5 March programme would have been presented with a number of highly negative statements about the policies and actions of the Turkish Government in the preceding interview with Mark Campbell before any reference was made to the viewpoint of the Turkish Government and/or the Licensee’s attempts to obtain it. We considered that this had the effect of limiting the impact of this statement. We did not consider, in the context of the two programmes as a whole, that the statement provided sufficient or adequate counterbalance to preserve due impartiality.

If a broadcaster is unable to obtain statements or interviews providing the necessary alternative viewpoint then it must find other editorial techniques to preserve due impartiality in programmes which deal with matters of political controversy. In this context, the Licensee argued that in line with paragraph 1.37<sup>23</sup> of Ofcom’s published Guidance to Section Five of the Code it had used two editorial techniques, in the absence of the Turkish Government’s viewpoint, to preserve due impartiality. Firstly, it said it had reflected other countries’ opinions on the issues discussed e.g. in the 5 March 2016 programme, it said it had provided “other countries’ perspectives on Turkey’s actions and the status of the Kurdistan Workers’ Party [and] [t]hese perspectives seek to balance the obviously pro-Kurdish views of the interviewee”. We agreed that these statements could be described as summarising the viewpoint of the US Government<sup>24</sup>, the UK Government<sup>25</sup>, the EU and the US Government<sup>26</sup>.

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<sup>23</sup> See footnote 2.

<sup>24</sup> There was a brief clip of John Kirby, a US State Department Spokesman saying: “We also urge Turkey not, to cease, the cross-border shelling [from Turkey to Syria]”.

<sup>25</sup> The presenter said: “Unlike Washington and Moscow though, David Cameron continues to support Turkish policy on Syria, even while preventing those seeking asylum from the shelling in Britain”.

<sup>26</sup> The presenter asked the following question in his interview with Mark Campbell: “Do you think one of the problems is that the PKK are a designated terrorist group by the European Union and bizarrely by the US government, although of course the US government is helping PKK-aligned forces in the fight against ISIS/Daesh?”

Further, the third of these statements did, in our view, provide some background context in that it alerted viewers to the fact that the PKK is a proscribed terrorist organisation in some jurisdictions. However, these statements could not be said to reflect what, in our view, was a crucial viewpoint, that of the Turkish Government, given the nature and content of the very serious criticisms being made of the Turkish State in the 5 March programme.

The Licensee said that it used a second editorial technique to reflect alternative viewpoints in both programmes, namely, the presenter using “critical questioning of interviewees”. As noted in paragraph 1.37 of Ofcom’s published Guidance to Section Five, broadcasters can preserve due impartiality by summarising alternative viewpoints, with due objectivity and in context, within a programme. In relation to the 5 March 2016 programme, TV Novosti said that the presenter used of “critical questioning”<sup>27</sup>, which in the Licensee’s opinion “challenges the interviewee to explain why he thinks that Britain is staying silent on the actions of the Turkish government against the Kurdish people”. It argued that the interviewee’s response (“*I guess it’s trade deals*”) allowed viewers “to make their own assessment of whether the interviewee has sufficient evidence to prove that Britain is purposefully staying silent on the Turkish government’s actions”. However, in our view, the presenter’s question reflected the viewpoint of the UK Government, as opposed to the Turkish Government’s viewpoint on its policy towards the Kurdish community and/or ISIL.

Another example of “critical questioning” cited by the Licensee was in the 23 March 2016 programme, when the presenter said:

*“David Cameron and Philip Hammond may not have been mentioning the atrocities that you are talking about, and I know people have been killed around the New Year celebrations, even, in the southeast of Turkey, what we did hear, though, was condemnation of something called the Kurdistan Freedom Falcons, who claimed the responsibility for the 13th March blast in Ankara, killing 35, many of them, most of them, all of them civilians. How can this grouping which we were told here by the mainstream media here is the Kurds killing innocent Turks?”*

In TV Novosti’s view, this question “mentions Kurdish responsibility for a terrorist attack in Turkey and challenges the interviewee’s view that the Kurdish people are the innocent party in the conflict [and in] the absence of the Turkish Government’s viewpoint, this question allows viewers to gain some perspective on the conflict and why the Turkish government may have animosity towards the Kurdish people”. We considered this question did in part provide important background context to the conflict between the Turkish Government and the Kurdish community within Turkey, namely, that there have been acts of terrorism committed by Kurdish groups directed at the Turkish State and other targets within Turkey. However, we considered these comments (which referred to an act of terrorism by a Kurdish group, the Kurdistan Freedom Falcons) did not suggest directly that this terrorist act was a rationale for or explanation of Turkish Government policy. As a result, we considered these remarks were only an indirect reference to the Turkish Government’s viewpoint on the matters being discussed in the programmes. In our view, this one indirect reference to the viewpoint of the Turkish Government did not provide sufficient balance to the large number of highly critical statements made about the Turkish Government, both within the 23 March 2016 programme on its own and/or both programmes taken together.

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<sup>27</sup> The presenter asked Mark Campbell the following question: “*But what sway does Turkey have over the British Foreign office, because this is London saying things not like Washington is saying?*”

TV Novosti also argued that: “Many of the issues reported in the Programmes had not been previously reported in the UK media and therefore no general public statement of the Turkish government was applicable to include in response”. In the 5 March 2016 programme, the Licensee said that the interviewee, Mark Campbell, referred to “Turkish attacks on Kurdish cities” as “*not being reported in the mainstream media*”, and the interview with Muharrem Erbey in the 23 March 2016 programme “was filmed the day before Mr Erbey presented his evidence of alleged atrocities committed by the Turkish government against the Kurdish people to the UK Foreign Office”. The Licensee argued that: “It would not have been appropriate for RT to have summarised the Turkish government’s position on the issues; this would involve RT guessing at the Turkish government’s stance based on its prior approach”.

In addition, the Licensee argued that in assessing due impartiality Ofcom should take account of how RT’s main news bulletins dealt with the issues covered in “[p]rogrammes such as those in the Going Underground series... around the time of transmission”. TV Novosti pointed out that since programmes like *Going Underground* are pre-recorded “they are not necessarily synchronised editorially with the news bulletins, which are transmitted live. In cases of ongoing ‘breaking news’ items, new developments may overtake a later broadcast of a programme in the series; or indeed material in a series item may itself have developed into new breaking news, whether on RT or other news channels”.

In response to these lines of argument, we assessed the nature of the various critical statements made about the Turkish Government within the programmes. We noted that in both programmes, there were references to specific events. In particular, in the 5 March 2016 programme, the interviewee, Mark Campbell, said the following about alleged recent actions by the Turkish Government:

*“Turkey are attacking the Kurds, they're attacking the Kurds in Rojava”.*

*“100 Kurds were burnt alive to death in basements in Cizre, which has been suffering the most awful repression for many, many months”.*

*“The Kurds are facing the most brutal repression in Cizre and Sura and Silopi”.*

In the 23 March 2016 programme, the interviewee Muharrem Erbey said the following about the Turkish Government:

*“What's happening in the Kurdish region is that the Turkish Republic is carrying out, not a genocide, but an ethnicide against the Kurdish people who want their statutory state, and the international community is being silent about this ethnicide”.*

*“What's happening right now against the Kurds is the bloodiest genocide in Kurdish history”.*

During the subsequent interview with Michelle Allison, she said:

*“This is about the situation that's happening in the south-east of Turkey, the Kurdish region, about atrocities carried out by the Turkish government, about the list of people who've been killed, the children, the women, about the people who've been burned to death in those basements and in those buildings, and the situation that the situation is escalating”.*

*“So the British government...should condemn the Turkish government's systematic torture and systematic attack on the Kurdish people and civilians”*

*“Turkey is trying to attack the Kurds to stop the fight against ISIS”.*

The two programmes therefore touched on specific events relating to the Turkish Government's reported on-going military actions against Kurdish militants in south-eastern Turkey (which had started following the collapse of a ceasefire between the Turkish Government and the PKK in July 2015). They also referred to what could be described more generally as the tensions between the Turkish Government and the Kurdish community. By way of example, the 5 March 2016 programme included the following statement:

*“Turkey denies the Kurds their identity and bans their culture, bans their language, you know, and have repressed heavily any attempt to get any rights within Turkey, and as part of that, this insidious labelling of the Kurdish people's struggle to get those right is taken up by Turkey's trading partners”.*

In the 23 March 2016 programme, Muharrem Erbey said:

*“We Kurds have been trying for a very long time to tell the people that we exist but nobody believed us, and we are trying to tell the world that we are dying, and again, nobody wants to listen”.*

The programmes also referred to the Turkish Government's military actions against Kurdish militants in Northern Syria and stance on ISIL.

In our view, a key theme within the two programmes was the allegation that the Turkish Government was “*attacking*” and committing “*genocide*” against the Kurdish community within south-eastern Turkey. We considered there were a number of publicly available statements prior to the broadcast of each of the programmes, which dealt with either the accusations about specific events, and/or the more general accusations made against the Turkish Government in the two editions of *Going Underground*. For example, although TV Novosti maintained that many of these issues had not been reported “*in the mainstream media*”, Ofcom noted the attacks on Cizre in south eastern Turkey had been reported on UK-based media outlets prior to the 5 March 2016 programme, and the Turkish Government's viewpoint had been reported on its attacks on Rojava<sup>28</sup> and on Cizre<sup>29</sup>.

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<sup>28</sup> See for example <http://www.bbc.co.uk/news/world-middle-east-33690060>, where the Turkish Government's viewpoint had been reflected as follows: “Ankara says it is retaliating against what it calls provocations by the YPG, but it has long-warned against the YPG making territorial advances in northern Syria near its border... Turkey views the YPG as an extension of the Kurdistan Workers Party (PKK), a Turkish-Kurdish rebel group fighting for autonomy since the 1980s”.

<sup>29</sup> See for example <http://www.theguardian.com/world/2016/mar/02/turkey-kurdish-people-cizre-return-to-ruins>, where the Turkish Government's viewpoint had been reflected as follows: “Blaming the militants for the destruction of the town, the governor [of Şırnak province] said 708 barricades had been dismantled, 264 trenches filled and 1,409 explosives disposed of. Security forces also seized automatic weapons, other firearms and hand grenades. ‘They destroyed houses by placing explosives from the kitchens to the bedrooms. They attacked callously and mercilessly, without distinguishing between military, police, women, men, old or young’. the governor said”.



Second, we noted that RT's own website published various news stories relating to the on-going situation in south eastern Turkey. For example:

- Prior to the 5 March 2016 programme, on 8 February 2016<sup>30</sup>, an online article on the RT website reported that "60 people have reportedly been killed in the basement of a building in the south-eastern Kurdish town of Cizre during a military raid". In this article, the Turkish Government's viewpoint was summarised:

"On Saturday, Turkish interior minister Efkân Ala said that the military operation against the Kurdish fighters in Cizre was "99.5 percent complete" and wouldn't expand territorially. Turkish leaders insist they're targeting only Kurdish militants. 'We are being very sensitive in distinguishing between terrorists and [ordinary] people. We pay incredible attention so that civilians are not harmed by operations,'" Turkish Prime Minister Ahmet Davutoğlu said".

- Prior to the 23 March 2016 programme, on 11 March 2016<sup>31</sup>, an online article on the RT website included the followings statements reflecting the viewpoint of the Turkish Government: "Turkish government claims it targeted only 'PKK terrorists', saying it killed more than 360 Kurdish fighters, according to Daily Sabah"; "Turkey says it's attacking only Kurdish militants"; and "Turkey denies that civilians were targeted".
- Further, on 22 March 2016<sup>32</sup>, an online article on the RT website included the followings statement reflecting, to an extent, the viewpoint of the Turkish Government: "Turkey has maintained that it is targeting militants, despite reports of growing numbers of civilian deaths".

Third, although TV Novosti pointed to what in its view was the difficulty of reflecting the viewpoint of the Turkish Government in the two editions of *Going Underground* in this case, it did reflect in several RT bulletins broadcast before each programme the Turkish Government's viewpoint - for example on its policy towards the PKK and ISIL. For example, we noted the following statements in news bulletins broadcast just prior to the 5 March 2016 edition of *Going Underground*:

*"Turkey claims there have been no civilian victims, stating that its battle is against the Kurdistan Workers' Party, which it deems a terrorist organisation". (10:00 news bulletin on 3 March 2016).*

*"For its part Ankara strenuously denies supporting extremists, despite numerous reports claiming otherwise". (10:00 news bulletin on 4 March 2016).*

During an interview with guest Taleb Ibrahim, a Syrian political analyst, the presenter stated: *"The things you've come out with [Turkey supports terrorists, buys their oil, treats them in its hospitals] are things that Turkey has strenuously denied from the outset...". (10:00 news bulletin on 4 March 2016)*

*"For its part Ankara strenuously denied supporting extremists on more than one occasion saying that there were no grounds at all for such accusations, despite*

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<sup>30</sup> See <https://www.rt.com/news/331689-turkey-kurdish-cizre-raid/>

<sup>31</sup> See <https://www.rt.com/op-edge/335308-ertugrul-kurkcu-turkey-kurds/>

<sup>32</sup> See <https://www.rt.com/news/336517-kurdish-civilian-deaths-turkey/>

*numerous reports claiming otherwise*". A graphic was also displayed showing the following quote from Turkish PM Ahmet Davutoglu: *"No. Never. Never. Never. We supported only those who escaped from Assad's atrocities... This is an unfair assessment and accusation against Turkey which there is no ground at all"*. (16:00 and 22:00 news bulletins on 4 March 2016)

Further, the following statements were broadcast in news bulletins broadcast just prior to the 23 March 2016 edition of *Going Underground*:

*"Ankara, in turn, insists its military operation in Kurdish areas only targets banned PKK militants whom Turkey calls terrorists"*. (08:00 news bulletin on 22 March 2016).

*"Now, Turkish authorities claim they only target terrorists while shelling the Kurdish held areas"*. (20:00 news bulletin on 23 March 2016).

*"Turkey's President has long denied all allegations [of links to ISIL]. Here's what he said a few months back"*: (Cut to video of Turkish president speaking with English voiceover) *"those who claim that we're buying oil from Islamic State have to prove it, no one can defame this country like that, otherwise I would call them slanderers"*. (22:00 news bulletin on 24 March 2016).

In summary, TV Novosti was able to reflect the viewpoint of the Turkish Government in contemporaneous news programming<sup>33</sup>, and there were reports published on the RT news website on the same range of issues that were discussed in the two programmes in this case.

We considered it was necessary for the Licensee to reflect in the two *Going Underground* programmes the Turkish Government's viewpoint on the criticism levelled at it, namely that it was *"attacking"* and committing *"genocide"* against the Kurdish community. In our view, the evidence we have just presented demonstrated that, contrary to the Licensee's submissions, it was possible for it to reflect this viewpoint, as appropriate, in the two editions of *Going Underground*, but that it had failed to do so.

#### *Due impartiality in a series of programmes taken as whole*

Ofcom went on to consider whether the Licensee had provided evidence that due impartiality on the Turkish Government's policy towards the Kurdish community, in particular within Turkey, and ISIL had been preserved in a "series of programmes taken as a whole" (i.e. more than one programme in the same service, editorially linked, dealing with the same or related issues within an appropriate period and aimed at a like audience). The Licensee argued that for the purposes of Rule 5.5, the two editions of *Going Underground* should be considered as being "editorially linked to RT's rolling news bulletins" broadcast hourly on RT and which preceded and succeeded the editions of *Going Underground*. To support this view, it pointed to various ways in which RT's news bulletins were referred to within editions of *Going Underground*. The Licensee added that because *"Going Underground"* is pre-recorded it is not possible to link it specifically to stories within the live news bulletins that are shown either side of it. Instead...the news bulletins are referenced generally

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<sup>33</sup> However, as discussed further below, Ofcom did not consider, in the context of Rule 5.5, that RT's news bulletins could be considered as part of "a series of programmes taken as a whole" with the two editions of *Going Underground* in this case.

within *Going Underground*". TV Novosti said that where the Turkish Government made a public statement "relevant to issues reported in the Programmes, the statement was included in news bulletins when it became available". Further, it made reference to a number of statements from the Turkish Government that were included in RT news bulletins "[a]round the time of the Programmes in question". The Licensee maintained that "*Going Underground* is intended to be supplemental to its news bulletins and should be regarded as part of a series of programmes with such bulletins".

We did not agree with TV Novosti's arguments. The full definition of "series of programmes taken as a whole" in the context of Rule 5.5 is as follows:

"This means more than one programme in the same service, editorially linked, dealing with the same or related issues within an appropriate period and aimed at a like audience. A series can include, for example, a strand, or two programmes (such as a drama and a debate about the drama) or a 'cluster' or 'season' of programmes on the same subject".

Whether programming is editorially linked for the purposes of Rule 5.5 will depend on the facts. The Code, reflecting Ofcom's statutory duties, does not permit due impartiality to be preserved on a licensed television service across large portions of that service's programming output<sup>34</sup>. A large part of the content on the RT service is made up of news bulletins. In Ofcom's view, therefore, in principle, such a large proportion of a licensed service's programming would not constitute "a series of programmes taken as a whole" as contained in section 320(4)(a) of the Act (see footnote 28).

Further, Ofcom's published Guidance to Section Five of the Code states<sup>35</sup> that the expression "aimed at a like audience" means that the linked programmes that make up a 'series' should be broadcast when it is likely that those who watched or listened to the first programme can choose to watch or listen to the second programme. We also took into account the various references<sup>36</sup> within the two editions of *Going Underground* to RT's website and RT's broadcast news bulletins. In our opinion the Code does not permit due impartiality to be preserved through a generic reference to a broadcaster's website. Further, we considered the presenter's occasional references to RT's broadcast news bulletins were more likely to be seen by the audience as generic cross-promotions to the main programming component of RT, a rolling news service, rather than to specific, editorially linked programmes. Given the highly critical nature of the criticisms being made about the Turkish Government within the two programmes in this case, in our view it was not possible for the

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<sup>34</sup> Under section 320(4)(a) of the Act, licensed television and national radio services may preserve due impartiality over "a series of programmes taken as a whole" [emphasis added]. This contrasts with the different and less stringent requirement for licensed local radio services, set out in section 320(4)(b) of the Act: not to give undue prominence to the views and opinions of particular bodies or bodies "in the service, in question, taken as a whole" [emphasis added].

<sup>35</sup> See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section5.pdf>, paragraph 1.40.

<sup>36</sup> The Licensee said that during the two programmes in this case:

- The statement "For more on these stories visit [www.rt.com](http://www.rt.com)" was displayed "on the 'ticker' at the bottom of the screen" and a "live feed of RT's UK news channel is available at [www.rt.com](http://www.rt.com) as well as a summary of recent news stories".
- The presenter said "watch RT UK news on the hour".

Licensee to rely on generalised references within the two programmes to its rolling news coverage as a means of preserving due impartiality over a series of programmes taken as whole.

In a similar way, we did not accept the Licensee's argument that even if "Ofcom does not accept that the news programmes are part of a series of programmes to which the programmes complained of are editorially linked, the news programmes scheduled before and after the programmes complained of are part of the context in which compliance falls to be assessed". TV Novosti argued that "what other programmes are scheduled before and after" the editions of *Going Underground* were a relevant contextual factor because "those programmes reflected the viewpoint of the Turkish government". Ofcom considered that the fact that programmes broadcast before and after a particular programme may contain relevant alternative viewpoints, would only be relevant if those programmes were editorially linked in a sufficient way. However, as already discussed, this was not the case with RT's news bulletins.

We therefore considered that the Licensee had failed to preserve due impartiality in these matters over a series of programmes taken as a whole.

*Due impartiality: contextual factors and alternative viewpoints*

We then went on to consider whether due impartiality was preserved through any relevant contextual factors (such as the nature of the channel, audience expectations, and the subject and nature of the programmes).

In assessing this issue, we took account of the Licensee's argument that: "the importance of context and the other factors implicit in the definition in Section 5 of the Code should not be overshadowed or ousted altogether by any preoccupation with alternative viewpoints". The Licensee also asserted that Ofcom, in its Preliminary View, had used "the presence or absence of alternative viewpoints as the touchstone for compliance with the requirement of due impartiality", and "the presentation of alternative viewpoints is one means among others of fulfilling the requirement but it is not mandatory except in relation to Rules 5.1, 5.9 and 5.12" of the Code. TV Novosti argued that for Rule 5.5 "the position is different" and that in preserving due impartiality the Code is "not prescriptive as to how it is to be done and in particular does not require the licensee to do it by reflecting alternative views or viewpoints".

We disagreed with the Licensee's line of argument. Although contextual factors such as the nature of the channel and audience expectations are to be taken into account, central to the concept of due impartiality, when a broadcaster is dealing with controversial matters to which the due impartiality rules apply, is the fact that there will be viewpoints or views from different sides of the debate on such matters. Rule 5.9 is the only rule in Section Five that explicitly uses the words "alternative viewpoints"; Rule 5.12 uses the word "views"; and paragraph 1.15<sup>37</sup> of the Guidance to Section Five refers to "alternative views". However, it is not the case, as argued by TV Novosti, that "the position is different" for Rule 5.5. We consider that, central to preserving due impartiality in accordance with Rule 5.5, is the requirement to reflect, **as appropriate**, alternative viewpoints or views. In other words, providing alternative viewpoints or views is not necessarily the only way to preserve due impartiality. But if

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<sup>37</sup> Paragraph 1.15 states: "Broadcasters can criticise or support the actions of particular nation-states in their programming, as long as they, as appropriate, reflect alternative views on such matters".

a licensee is broadcasting a programme about a matter of political controversy or matter relating to current public policy, including an alternative viewpoint or view in some appropriate way, would normally be the starting point for a licensee which wishes to take steps to preserve due impartiality.

We did not agree with the Licensee's argument that Ofcom had set out an incorrect view of how due impartiality could be preserved in the Preliminary View and in an Ofcom memorandum submitted to a House of Lords Committee in 2014<sup>38</sup>. Ofcom has published its approach to the application of the rules in Section Five in general, and in particular Rule 5.5, in our Guidance and previous decisions (including those involving the Licensee)<sup>39</sup>. We believe this approach is clear, consistent with the Code, and is reasonable and fair. It should be noted that the Ofcom Memorandum to the House of Lords Communications Committee, to which TV Novosti referred, was a very brief summary of Ofcom's approach and dealt specifically with the preservation of due impartiality during UK elections, where the provision of alternative viewpoints is paramount.

We then went on to consider whether, taking into account other relevant contextual factors, and the subject and nature of the programmes, "due" impartiality was preserved. Ofcom noted TV Novosti's various arguments as to the expectation of the RT audience, namely that it expects these RT current affairs programmes: to be delivered from a Russian viewpoint; to "present a view underrepresented by the mainstream media" (i.e. that of the Kurdish people); and, not to explore the Turkish government's position in great detail. In this regard, TV Novosti cited Ofcom's published Guidance<sup>40</sup> to Section Five whereby audience expectations "should be taken into account when assessing whether due impartiality needs to be or has been preserved".

We considered that the content and approach of the programmes would have been familiar to the audience from the nature of the channel. It was likely that viewers would have expected programmes of this type broadcast by RT to address controversial issues and to do so from a Russian viewpoint. However, notwithstanding the nature of the channel and the audience's expectation, we considered that these contextual factors were outweighed by the strength of the critical statements included in a programme which dealt with matters of political controversy or current public policy. In our view, therefore, taking account of these audience expectations, the Licensee was still obliged to ensure that due impartiality was preserved by reflecting the viewpoint of the Turkish Government in the programmes but failed to do so.

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<sup>38</sup> See footnote 22. The Licensee was referring to a Memorandum by Ofcom to the House of Lords Communications Committee on "Broadcast general election debates" which stated: "Section Five of the Broadcasting Code requires broadcasters to ensure that they reflect alternative viewpoints in their output when they are dealing with 'matters of political or industrial controversy and matters of public policy'".

<sup>39</sup> See for example: Ofcom's Decisions on *The Truthseeker: Genocide of Eastern Ukraine and Ukraine's Refugees*, Ofcom Broadcast Bulletin 288, 21 September 2015  
[http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb288/Issue\\_288.pdf](http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb288/Issue_288.pdf)

<sup>40</sup> TV Novosti cited paragraph 1.4 of the published Guidance to Section Five, which states: "in reaching a decision whether due impartiality needs to be preserved in a particular case, broadcasters should have regard to the likely expectation of the audience as to the content, and all other relevant contextual factors".

TV Novosti also argued that the audience for *Going Underground* “would expect the programme to explore particular topics solely from the perspective of those not represented in the mainstream UK media” and would not have “expected the Turkish government’s view to be explored in detail or for RT to be overly critical or challenging towards the views represented in the Programmes”. It added that the audience to *Going Underground*: expect the programme to “expand upon and provide context to developing news stories, both in terms of additional facts and alternative opinions”; do not regard the programme “as a single programme to answer all of their questions and cover all opinions on a particular news story”; but rather “will look to news bulletins (whether broadcast by RT or otherwise) and other media in order to provide the ‘full picture’ on particular issues”. We disagreed. Just because a contentious political issue is receiving little coverage within the “mainstream UK media” does not obviate the need for the broadcaster to provide alternative viewpoints on such an issue where appropriate. It is a fundamental requirement of an Ofcom licensed service to reflect alternative viewpoints, as appropriate, when a programme is dealing with a matter of political controversy or matter of current public policy. In addition, broadcasters must not assume prior knowledge on the part of the audience of particular alternative views, nor can broadcasters rely on insufficiently linked programming, either on their own service or unrelated services as a means of preserving due impartiality. Given the highly critical nature of the various statements being made about the Turkish Government in the two programmes in this case, the Licensee needed to reflect the viewpoint of the Turkish Government, as appropriate and/or more critically challenge the viewpoints that were expressed within the programmes.

An additional contextual factor cited by the Licensee was what it described as “Turkish Suppression of the Press” which had seen “numerous instances...of journalists being arrested in Turkey for reporting anti-government stories”. TV Novosti stated its belief that as a result “it has a duty to make its audiences aware of views that are critical of the Turkish government due to similar stories being suppressed in other media”. We noted this point. However, whatever restrictions there might be on media freedom in Turkey, this factor did not mean that in this case the requirement to reflect the viewpoint of the Turkish Government did not apply.

In conclusion, for all of the reasons stated above, Ofcom considered that due impartiality was not preserved in the two editions of *Going Underground* in this case.

### **Breaches of Rule 5.5**

## Investigations Not in Breach

Here are alphabetical lists of investigations that Ofcom has completed between 13 and 26 June 2016 and decided that the broadcaster or service provider did not breach Ofcom's codes, rules, licence conditions or other regulatory requirements.

### Investigations conducted under the General Procedures for investigating breaches of broadcast licences

Licensee	Licensed service	Categories
Scripps Networks International (UK) Limited	Travel Channel TV	Access services

For more information about how Ofcom conducts investigations about broadcast licences, go to: <http://stakeholders.ofcom.org.uk/broadcasting/procedures/general-procedures/>

## Complaints assessed, not investigated

Here are alphabetical lists of complaints that, after careful assessment, Ofcom has decided not to pursue between 13 and 26 June 2016 because they did not raise issues warranting investigation.

### Complaints assessed under the Procedures for investigating breaches of content standards for television and radio

For more information about how Ofcom assesses complaints about content standards on television and radio programmes, go to:

<http://stakeholders.ofcom.org.uk/broadcasting/procedures/standards/>

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Big Brother: Best Bits	5*	17/06/2016	Outside of remit	1
Big Brother: Best Bits	5*	17/06/2016	Outside of remit	1
Big Brother: Best Bits	5*	17/06/2016	Sexual material	1
On Benefits: Bargain Barbie and Desperate Dole Claimants	5*	12/06/2016	Gender discrimination/offence	1
Dance Moms	5Star	12/06/2016	Under 18s in programmes	1
Kahay Faqir	Ary News	06/05/2016	Crime	1
Euro 2016	BBC / ITV	16/06/2016	Flashing images/risk to viewers who have PSE	1
BBC News	BBC 1	10/06/2016	Race discrimination/offence	1
BBC News	BBC 1	11/06/2016	Violence	2
BBC News	BBC 1	21/06/2016	Generally accepted standards	1
Breakfast	BBC 1	10/06/2016	Outside of remit	1
Breakfast	BBC 1	12/06/2016	Undue prominence	1
Breakfast	BBC 1	17/06/2016	Gender discrimination/offence	1
EastEnders	BBC 1	20/05/2016	Violence	1
Euro 2016	BBC 1	14/06/2016	Outside of remit	1
Match of the Day	BBC 1	15/06/2016	Outside of remit	1
New Blood	BBC 1	16/06/2016	Violence	1
The Big Questions	BBC 1	05/06/2016	Religious/Beliefs discrimination/offence	1
The One Show	BBC 1	23/06/2016	Under 18s in programmes	8
Peaky Blinders	BBC 2	19/05/2016	Under 18s in programmes	1
Springwatch	BBC 2	31/05/2016	Scheduling	1
Springwatch Unsprung	BBC 2	13/06/2016	Gender discrimination/offence	1



Programme	Broadcaster	Transmission Date	Categories	Number of complaints
The World's Biggest Flower Market	BBC 2	27/05/2016	Race discrimination/offence	1
Tom Kerridge's Best Ever Dishes	BBC 2	19/06/2016	Gender discrimination/offence	1
Top Gear	BBC 2	05/06/2016	Offensive language	1
Top Gear	BBC 2	12/06/2016	Generally accepted standards	2
Top Gear	BBC 2	19/06/2016	Crime and disorder	1
Top Gear	BBC 2	19/06/2016	Outside of remit	1
Versailles	BBC 2	01/06/2016	Generally accepted standards	7
Versailles	BBC 2	15/06/2016	Sexual material	1
Victoria Derbyshire	BBC 2 / BBC News Channel / BBC Parliament	15/06/2016	Outside of remit	1
Mistajam	BBC Radio 1Xtra	28/05/2016	Offensive language	1
Jeremy Vine	BBC Radio 2	10/06/2016	Generally accepted standards	1
The Chris Evans Breakfast Show	BBC Radio 2	07/06/2016	Generally accepted standards	1
The Chris Evans Breakfast Show	BBC Radio 2	22/06/2016	Generally accepted standards	1
24 Hours in Police Custody	Channel 4	15/06/2016	Generally accepted standards	1
Channel 4 News	Channel 4	17/06/2016	Generally accepted standards	1
Interview with a Murderer	Channel 4	12/06/2016	Generally accepted standards	1
Power Monkeys	Channel 4	15/06/2016	Generally accepted standards	1
Power Monkeys	Channel 4	22/06/2016	Generally accepted standards	1
Benefits by the Sea – Jaywick	Channel 5	12/04/2016	Generally accepted standards	1
Big Brother	Channel 5	11/06/1983	Generally accepted standards	1
Big Brother	Channel 5	09/06/2016	Generally accepted standards	1
Big Brother	Channel 5	12/06/2016	Generally accepted standards	5
Big Brother	Channel 5	13/06/2016	Generally accepted standards	3
Big Brother	Channel 5	14/06/2016	Generally accepted standards	1
Big Brother	channel 5	15/06/2016	Generally accepted standards	1
Big Brother	Channel 5	19/06/2016	Generally accepted standards	4
Big Brother	Channel 5	20/06/2016	Generally accepted standards	1
Big Brother: Live Eviction	Channel 5	10/06/2016	Generally accepted standards	1
Big Brother's Bit on the Side	Channel 5	07/06/2016	Generally accepted standards	7

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
The Bald Explorer	Community Channel	04/06/2016	Generally accepted standards	1
Made in Chelsea	E4	13/06/2016	Generally accepted standards	1
Drive Time	Iman FM	23/05/2016	Due impartiality/bias	1
Programming	Iman FM	19/05/2016	Generally accepted standards	1
Brief Encounters (trailer)	ITV	18/06/2016	Scheduling	1
Coronation Street	ITV	06/06/2016	Drugs, smoking, solvents or alcohol	1
Coronation Street	ITV	12/06/2016	Drugs, smoking, solvents or alcohol	2
Coronation Street	ITV	19/06/2016	Offensive language	1
Dickinson's Real Deal	ITV	22/06/2016	Competitions	1
Euro 2016	ITV	11/06/2016	Disability discrimination/offence	1
Euro 2016	ITV	11/06/2016	Due impartiality/bias	1
Euro 2016	ITV	11/06/2016	Offensive language	1
Euro 2016	ITV	11/06/2016	Generally accepted standards	17
Euro 2016	ITV	16/06/2016	Outside of remit	1
Euro 2016	ITV	16/06/2016	Race discrimination/offence	1
Euro 2016	ITV	17/06/2016	Generally accepted standards	1
Euro 2016	ITV	20/06/2016	Outside of remit	1
Euro 2016	ITV	22/06/2016	Generally accepted standards	1
Icelolly.com's sponsorship of Bang on the Money	ITV	28/05/2016	Sponsorship credits	1
ITV News	ITV	12/06/2016	Violence	1
ITV News and Weather	ITV	11/06/2016	Violence	3
Killer Women with Piers Morgan	ITV	18/05/2016	Materially misleading	1
Loose Women	ITV	02/06/2016	Materially misleading	1
Loose Women	ITV	06/06/2016	Generally accepted standards	3
Loose Women	ITV	13/06/2016	Generally accepted standards	3
Loose Women	ITV	16/06/2016	Generally accepted standards	1
Loose Women	ITV	21/06/2016	Offensive language	1
Loose Women	ITV	23/06/2016	Generally accepted standards	8
Lorraine	ITV	02/06/2016	Generally accepted standards	1
Lotto's sponsorship of Britain's Got Talent	ITV	14/05/2016	Religious/Beliefs discrimination/offence	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Lotto's sponsorship of Britain's Got Talent	ITV	23/05/2016	Sponsorship	1
Oscar Pistorious: The Interview	ITV	24/06/2016	Outside of remit	1
Secrets of Growing Up	ITV	08/06/2016	Transgender discrimination/offence	1
Text Santa	ITV	18/12/2015	Premium rate services	1
This Morning	ITV	25/05/2016	Sexual material	1
This Morning	ITV	02/06/2016	Materially misleading	1
This Morning	ITV	14/06/2016	Sexual material	1
This Morning	ITV	14/06/2016	Race discrimination/offence	2
Tonight at the London Palladium	ITV	01/06/2016	Drugs, smoking, solvents or alcohol	1
Euro 2016	ITV / ITV2	20/06/2016	Outside of remit	2
Emmerdale	ITV2	21/06/2016	Race discrimination/offence	1
Love Island	ITV2	05/06/2016	Sexual material	1
Love Island	ITV2	19/06/2016	Sexual material	1
Fray Bentos' sponsorship of TT	ITV4	31/05/2016	Sponsorship credits	1
Fray Bentos' sponsorship of TT	ITV4	01/06/2016	Sponsorship credits	1
Fray Bentos' sponsorship of TT	ITV4	02/06/2016	Sponsorship credits	1
Fray Bentos' sponsorship of TT	ITV4	n/a	Sponsorship credits	1
Dallas Cowboys Cheerleaders	ITVBe	15/06/2016	Generally accepted standards	1
Win £2000 Competition	Key 103FM	n/a	Competitions	1
Ian Payne	LBC 97.3FM	30/04/2016	Religious/Beliefs discrimination/offence	1
James O'Brien	LBC 97.3FM	31/05/2016	Gender discrimination/offence	1
Steve Allen	LBC 97.3FM	17/06/2016	Disability discrimination/offence	1
Shocking Stories (trailer)	Moviemix	14/05/2016	Scheduling	1
Programming	Muslim Ummah Channel	14/05/2016	Charity appeals	1
Air Crash Investigation	National Geographic	20/05/2016	Generally accepted standards	1
Programming	Radio Ramadan Slough 87.9 MHz	08/06/2016	Crime and disorder	1
Johnny Vaughan (trailer)	Radio X	13/06/2016	Dangerous behaviour	1
Katy B on Rinse FM	Rinse FM	27/05/2016	Offensive language	1
Sky News	Sky	09/06/2016	Under 18s in programmes	1
Game of Thrones	Sky Atlantic	13/06/2016	Violence	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
The Act of Killing	Sky Atlantic	29/05/2016	Generally accepted standards	1
Veep	Sky Atlantic	09/05/2016	Generally accepted standards	1
Spy	Sky Movies Premiere	04/06/2016	Sexual material	1
Sky News	Sky News	03/06/2016	Under 18s in programmes	1
Sky News	Sky News	11/06/2016	Violence	1
Sky News with Colin Brazier	Sky News	02/06/2016	Due impartiality/bias	1
Sky Sports News HQ	Sky Sports News	17/06/2016	Due accuracy	1
A League of Their Own	Sky1	04/06/2016	Disability discrimination/offence	1
Futurama	Sky1	17/06/2016	Scheduling	1
Morning broadcast	Stray FM	15/06/2016	Gender discrimination/offence	1
Solid Gold Sundays	The Bay Radio	12/06/2016	Offensive language	1
TV99	TV99	n/a	Appeals for funds	1
Live Charity Appeal Helpmankind	Ummah Channel	06/06/2016	Charity appeals	1
News: UTV Live	UTV	01/06/2016	Due accuracy	1
News	Various	n/a	Due impartiality/bias	1
Programming	Various	13/10/2015	Generally accepted standards	1
Forbidden History	Yesterday	17/06/2016	Materially misleading	1

### Complaints assessed under the General Procedures for investigating breaches of broadcast licences

For more information about how Ofcom assesses complaints about broadcast licences, go to: <http://stakeholders.ofcom.org.uk/broadcasting/procedures/general-procedures/>

Licensee	Licensed service	Categories	Number of complaints
Sky UK Limited	Sky channels	Television Access Services	1
Communities Together	Radio Sangam	Key Commitments	1
Radio Ramadhan 95.1FM (Leicester)	Ramadhan Radio Leicester	Other	1

### Complaints assessed under the Procedures for investigating breaches of rules for On Demand programme services

Programme	Service name	Transmission date	Categories	Number of complaints
Scott and Bailey	UTV	27/04/2016	Access services	1
The Secret	UTV	29/04/2016	Access services	1

For more information about how Ofcom assesses complaints about on demand services, go to: <http://stakeholders.ofcom.org.uk/binaries/broadcast/on-demand/rules-guidance/procedures-investigating-breaches.pdf>

## Complaints outside of remit

Here are alphabetical lists of complaints received by Ofcom that fell outside of our remit. This is because Ofcom is not responsible for regulating the issue complained about. For example, the complaints were about the content of television, radio or on demand adverts, accuracy in BBC programmes or an on demand service does not fall within the scope of regulation.

For more information about what Ofcom's rules cover, go to:

<http://consumers.ofcom.org.uk/complain/tv-and-radio-complaints/what-does-ofcom-cover/>

### Complaints about television or radio programmes

For more information about how Ofcom assesses complaints about television and radio programmes, go to:

<http://stakeholders.ofcom.org.uk/broadcasting/procedures/standards/>

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Advertisement	4Seven	22/06/2016	Advertising content	1
Advertisement	4Seven	22/06/2016	Advertising content	1
Advertisements	ATN Bangla	22/06/2016	Advertising content	1
Advertisements	Bangla TV	22/06/2016	Advertising content	1
BBC News at Six	BBC 1	21/06/2016	Due impartiality/bias	1
Chelsea Flower Show	BBC 1	27/05/2016	Promotion of products/services	1
Match of the Day Live	BBC 1	16/06/2016	Due impartiality/bias	1
5 Live Daily	BBC Radio 5 Live	06/06/2016	Promotion of products/services	1
Advertisement	Channel 4	14/06/2016	Advertising content	1
Advertisement	Channel 4	19/06/2016	Advertising/editorial distinction	1
Advertisement	Channel 4	21/06/2016	Advertising content	1
Advertisements	CHSTV	22/06/2016	Advertising content	1
Advertisement	Dave	19/06/2016	Advertising content	1
Advertisements	Discovery	13/06/2016	Advertising content	1
Advertisement	ITV	18/05/2016	Advertising content	1
Advertisement	ITV	21/05/2016	Advertising content	1
Advertisement	ITV	11/06/2016	Advertising content	5
Advertisement	ITV	13/06/2016	Advertising content	1
Advertisement	ITV	15/06/2016	Advertising content	1
Advertisement	ITV	16/06/2016	Advertising content	1
Advertisement	ITV	20/06/2016	Advertising content	3
Advertisement	ITV	22/06/2016	Advertising content	1
Advertisements	ITV	15/06/2016	Advertising content	1
Advertisement	ITV4	01/06/2016	Advertising content	1
Silver Day with Carmel	Jewellery Channel	18/06/2016	Advertising content	1

<b>Programme</b>	<b>Broadcaster</b>	<b>Transmission Date</b>	<b>Categories</b>	<b>Number of complaints</b>
Jewellery Maker	Jewellery Maker	21/06/2016	Advertising content	1
Plus Life	KM TV Limited	13/03/2016	Advertising content	1
Muzik Ankara	Muzik Ankara	16/03/2016	Advertising content	1
Advertisement	n/a	19/06/2016	Advertising content	1
Moda Life	n/a	n/a	Advertising content	1
Tarz Moda	n/a	16/03/2016	Advertising content	1
Advertisements	NTV	22/06/2016	Advertising content	1
Advertisement	Sky	02/06/2016	Advertising content	1
Advertisement	Sky News	21/06/2016	Advertising/editorial distinction	1
Advertisement	Sky1	22/06/2016	Advertising content	1
Big Brother	TV3 (Ireland)	12/06/2016	Outside of remit	1

## Investigations List

If Ofcom considers that a broadcaster or service provider may have breached its codes, rules, licence condition or other regulatory requirements, it will start an investigation.

**It is important to note that an investigation by Ofcom does not necessarily mean the broadcaster or service provider has done anything wrong. Not all investigations result in breaches of the codes, rules, licence conditions or other regulatory requirements being recorded.**

Here are alphabetical lists of new investigations launched between 13 and 26 June 2016.

### Investigations launched under the Procedures for investigating breaches of content standards for television and radio

Programme	Broadcaster	Transmission date
Wembley Gold	BT Sport Europe	20 May 2016
The Wright Stuff	Channel 5	16 June 2016

For more information about how Ofcom assesses complaints and conducts investigations about content standards on television and radio programmes, go to:

<http://stakeholders.ofcom.org.uk/broadcasting/procedures/standards/>

### Investigations launched under the Procedures for the consideration and adjudication of Fairness and Privacy complaints

Programme	Broadcaster	Transmission date
The Deobandis (Part 2)	BBC Radio 4	12 April 2016

For more information about how Ofcom considers and adjudicates upon Fairness and Privacy complaints about television and radio programmes, go to:

<http://stakeholders.ofcom.org.uk/broadcasting/procedures/fairness/>

### Investigations launched under the General Procedures for investigating breaches of broadcast licences

Licensee	Licensed Service
Pulse Community Radio Ltd	Pulse

For more information about how Ofcom assesses complaints and conducts investigations about broadcast licences, go to:

<http://stakeholders.ofcom.org.uk/broadcasting/procedures/general-procedures/>