

Ofcom Broadcast and On Demand Bulletin

Issue 397
24 February 2020

ABP News

Type of case	Broadcast Standards
Outcome	In Breach
Service	ABP News Network
Date & time	16 March 2019, 06:06, 08:05, and 21:16
Category	Appropriate scheduling, suitability for children, and Generally Accepted Standards
Summary	News reports on the terrorist attack that took place in Christchurch on 15 March 2019 contained graphic and violent images of parts of the attack which were unsuitable for children and not appropriately scheduled, and were not appropriately limited or justified by the context. Adequate protection was not provided to viewers from the potentially harmful material. The content was also clearly potentially offensive and not justified by the context. In breach of Rules 1.3, 1.11, 2.1 and 2.3 of the Broadcasting Code.

Introduction

ABP News is a 24-hour news service broadcasting in Hindi which covers current affairs issues and dedicated entertainment news. The licence for ABP News is held by ABP Network Pvt. Ltd (“ABP” or “the Licensee”).

Ofcom received a complaint that news content shown at approximately 21:20 on 16 March 2019 was “very inappropriate”. The complainant said that the content included footage of the recent New Zealand terrorist attack¹ filmed by the gunman juxtaposed with videos of military planes carrying out

¹ On 15 March 2019, a lone gunman carried out attacks during Friday prayers in two Mosques in Christchurch, New Zealand. The gunman shot dead 50 Muslim worshippers and injured 50 more and was charged with carrying out a terrorist act under the New Zealand Terrorism Suppression Act (at the time of the broadcast, 49 people

airstrikes. The complainant said that the programme “used dramatic sounds and effects to add energy and excitement to the news report”.

As a result of the issues raised by this complaint, we also undertook monitoring of other content broadcast by ABP News and identified further programming broadcast at 06:06 and 08:05 on 16 March 2019, which raised issues warranting investigation under the Code.

These programmes were broadcast mostly in Hindi which we have translated. The Licensee did not have any comments on the accuracy of the translations and we therefore relied on them for the purpose of our investigation.

The pre-watershed broadcasts

At approximately 06:06 and 08:05, ABP News reported on the terrorist attack in Christchurch, New Zealand which had taken place the day before, on 15 March 2019. The reports included some of the footage that had been taken by the helmet-mounted camera worn by the gunman during the attack and which he had live-streamed on Facebook.

06:06

The presenter introduced the headlines of the day which included news of the Christchurch attacks as follows:

“During [the attacker’s name]’s appearance in court, there wasn’t a hint of remorse showing on his face...The Islam-hating terrorist [the attacker’s name], who was presented in court, he was presented in a court in New Zealand, the judge was reading out the allegations in front of him, and this terrorist, who took the lives of 49 people, fired relentlessly in the Masjid², was sitting silently. He kept listening to those allegations, he didn’t say a single word, not one word. During the hearing he was sitting in silence – the terrorist [the attacker’s name]. He’s the person who is responsible for the incident that happened yesterday, which not only left New Zealand shaken but had shook the whole world. Forty-nine people lost their lives. Bangladesh’s cricket team was there. As they entered the Mosque, he was already in the Mosque, relentlessly firing away, and the Bangladesh cricket team which was supposed to play its third match with the New Zealand team, had turned around and went back. The situation there became so terrifying that the match had to be cancelled. The Bangladesh cricket team is going back to its home country, they’re going to be going home via

were reported dead). Before live streaming the attack on Facebook, the suspect published an apparent "manifesto" in which he denounced immigrants as "invaders". It was reported that the 74-page document, a collection of slogans and tirades against immigrants, Muslim and Jewish people posted on a chat forum known for publishing a wide range of content including hate speech — cited “white genocide” and the growth of minority populations as his motivation. The attacker has been charged with murder, attempted murder and carrying out a terrorist act under the New Zealand Terrorism Suppression Act.

² A Mosque in Arabic.

Singapore. But this picture that you are seeing is of that terrorist – [the attacker’s name]. He is that terrorist who took the lives of 49 people. He fired relentlessly inside the Mosque. The people who went to the Mosque to pray, to worship God, were murdered”.

Whilst the presenter was speaking, scenes from the court room where the alleged gunman was taken were shown on a loop. The screen was then split to show, alongside the courtroom shots, footage filmed by the helmet-mounted camera that the gunman was wearing during the attack. The footage showed the gunman: taking weapons from the boot of his car; walking towards the Mosque with a weapon appearing sporadically in the foreground of the picture; and then raising his semi- automatic rifle towards the entrance of the Mosque and an indistinct figure in the doorway.

At this point, the image froze to be replaced by the following caption on a black screen:

“Important notice: We are not showing the rest of the video because your channel: ABP News, is a responsible channel. We see it as our responsibility to refrain from publishing these images. A terrorist has no religion. Wherever such an incident might take place, we recognise this as an attack on humanity”.

While the statement above was shown, a voiceover said:

“ABP News understands its responsibility and will not show you those images which could cause problems if they were to appear on the television screen, ABP News does not endorse those images. We will not show you those images. We understand our responsibility and we are acting accordingly....”.

A pre-recorded report including more footage from the gunman’s camera was then broadcast. This included the footage described above, filmed as the gunman approached the Mosque. On this occasion, the extract was broadcast with dramatic music, flashing lights, rewinds and accelerated visual effects. After the image froze as the gunman pointed his weapon towards the entrance of the Mosque, animated images of bullet-holes appeared on screen accompanied by the sound of the actual shots fired by the attacker. This was broadcast several times with the following captions:

“Whenever you hear the sound [of firing] the images will come up in your mind”.

“The amplified sound of shots in the NZ Mosque caused terror”.

“Listen to the original sounds of the bullets being shot in the Mosque”.

“Were the bullets fired at this speed?”

“Hear the real and horrifying sounds of the fired shots”.

“Actual sound of the bullets being shot in the Mosque”.

The reporter then said:

“Were the bullets fired in New Zealand’s Christchurch as fast as this? Were the bullets fired inside the Mosque as quick as this? The bullets were much faster than this. Faster than what we are permitted to show you”.

The same footage from the gunman’s helmet-mounted camera was then broadcast three further time, followed on one occasion by the animated images of bullet-holes accompanied by the sound of the actual shots fired by the attacker.

Footage from the gunman’s camera as he was driving his car and then searching for more weapons in the boot of his car was shown with the following caption which was also spoken by the reporter:

“We support the appeal of the New Zealand Government. ABP News is a responsible organisation and understands its responsibility. We accepted that we will not show this video any further. The rest of the video is frightening, and you won’t be able to watch it. But we can let you listen to just how frightening that moment was. Listen, listen carefully. This is the first time this ever happened in the history of New Zealand. In only 17 minutes the country had for the first time, become the first victim of terrorism”.

After broadcasting a witness’ testimony at the scene of one of the attacks, an extract of the press conference given by the Prime Minister of New Zealand, Jacinda Arden, was then broadcast, in a split screen alongside footage filmed by the terrorist.

The voiceover said:

“New Zealand’s Prime Minister Jacinda Ardern appealed that the video of the shooting should not be shown. We support Jacinda. But you all must understand how hateful that attack was. For that purpose, we’ve decided to show you an extract of a video game”.

Images taken from a video game were then shown, including a gunman carrying several rifles shooting people. The original sounds of bullets fired by the terrorist were added to the video game images. The voiceover said:

“This attack was just like if it had occurred on some video game. In the same way as you’d pick up guns and fire at people in video games. This is how the murderer killed people in the Mosque. This is how the maniacs have pushed the entire world into a state of mourning – from inside two of Christchurch’s Mosques”.

A further extract of Jacinda Arden’s press conference was then broadcast in which she made the following statement (in English):

“This act was not a reflection of who we are as a nation. That is why so many New Zealanders, every New Zealander I imagine, will be shocked by this today”.

The footage from the gunman's helmet-mounted camera as he went to the boot of his car to pick up a weapon was shown and then approached the Mosque with his semi-automatic raised was broadcast twice more. In the studio, the presenter said:

"And I should repeat this again, the real video – ABP News understands its responsibility and thus we will not show you the footage. Jacinda Ardern the Prime Minister of New Zealand has also appealed that this video should not be shown because this video is very frightening, you won't even be able to watch it".

On the second occasion, the footage was frozen as the gunman walked towards the entrance of the Mosque, his semi-automatic rifle pointing forward in the foreground of the shot. A disclaimer appeared on a black screen as the voiceover said:

"We are not showing the rest of the video because your channel: ABP News, is a responsible channel. We see it as our responsibility to refrain from publishing these images. A terrorist has no religion. Wherever such an incident might take place, we recognise this as an attack on humanity".

The animated images of bullet-holes appeared on screen accompanied by the sound of the actual shots fired by the attacker were then broadcast repeatedly, as the voiceover said:

"The terrorist [the attacker's name] was livestreaming the entire incident to Facebook. He fired more than 100 bullets inside the Mosque. Whoever he saw, he killed, whether man, woman or child. Wherever he saw them, whenever he saw them, he shot them. The people who were injured were shot again by him. Those who died were also shot again, so that no one escapes".

More footage from the gunman's camera as the gunman walked towards the street from the Mosque, his semi-automatic rifle pointing forward in the foreground of the screen was then shown. The voiceover said over the images:

"After this the terrorist went outside the Mosque, he saw a woman who was screaming 'help! help!'. [the attacker's name] went towards her and put two bullets in her head".

The caption "a woman screaming, 'help! Help!' was shot" appeared, followed by the black screen with visual images and actual sound of the gun shots as described before. This was followed by further footage from the gunman's camera as he was driving his car and pointing his weapon through the window of his car towards the street. The voiceover said:

"Then he sat in his car and started to make a dash. Meanwhile, in the corner of the road, he saw a man. He also shot him, and then escaped while laughing".

The caption *“He shot the pedestrian”* appeared followed by a black screen with the animated images of bullet-holes accompanied by the sound of the actual shots fired by the attacker.

After another extract of Jacinda Ardern’s press conference, the gunman’s footage as he approached the Mosque was shown again and then frozen as animated images and the genuine sound effect of the bullets shot by the attacker were added over the frozen image.

The inscriptions on the attacker’s weapons were then shown with a voice over discussing their meaning.

This segment finished at approximately 06:20.

A number of captions were shown during the broadcast, including:

“Important notice: We are not showing the rest of the video because your channel: ABP News, is a responsible channel. We see it as our responsibility to refrain from publishing these images. A terrorist has no religion. Wherever such an incident might take place, we recognise this as an attack on humanity”

“We respect the appeal of the NZ government”

“ABP News being a responsible channel understands its responsibility”

“Not telecasting the video any further for the sake of humanity”

“The rest of the video is horrifying and therefore has not been telecast”

“Images are of the video game but the sounds of the bullets being fired are real”

“This cowardly act does not represent our nation, this is why the people of NZ are in shock. This is brutality. We all denounce this act of violence”.

08:05

The item began with a presenter walking around the ABP studio filming from a helmet-mounted camera to provide a “reconstruction” of the way in which the terrorist had filmed his attack.

A pre-recorded news report was then broadcast, which included footage filmed by the helmet-mounted camera of the gunman as he was carrying his attack. The first extract broadcast was filmed as the attacker was driving his car. The images were set to dramatic music with a banner headline *“SUPER EXCLUSIVE”*. A voiceover said:

“It was only 25 seconds ago, these devout Muslims were praying inside the Mosque [call for prayers could be heard the photo of the Mosque appeared on screen]. It was only 25 seconds ago, that New Zealand was in a state of peace. It was only 25 seconds ago, that this car stopped outside this Mosque in New Zealand. 25 seconds later, something

happened. Something which would put New Zealand in headlines around the world”.

After images of beach scenes in New Zealand, the report returned to the terrorist’s footage, showing the images as he approached the Mosque, raised his weapon towards the entrance as a shadowy figure appeared and then fired. The sound of the firing was muted and the images of the shooting appeared to be in slow motion. The headline “SUPER EXCLUSIVE” appeared over the footage.

The voiceover continued:

“It was 13:30, near afternoon. The place was Christchurch, New Zealand. [animation showing New Delhi to Christchurch, 12,500 km] Almost 12,500 km away from the Indian capital city of New Delhi, a man stops outside a Mosque in Christchurch. Before anyone knew what he was up to, he fires his gun before he enters the Mosque”.

The terrorist’s footage as he approached the Mosque and aimed his weapon was shown twice more, followed by footage as he drove his car and as he went to the boot of his car to uncover additional semi-automatic rifles. The footage as the terrorist approached the Mosque was then broadcast again with fast forward and rewind visual effects.

While the footage was shown, the voiceover said:

“The shooting that occurred in New Zealand, ended up taking the lives of 49 people and close to 50 people were injured. The terrorist attacker fired hundreds of rounds in the Mosque. But this video which has emerged will not be shown by us, because your channel ABP News is a responsible channel. We understand our responsibility regarding showing this footage”.

A caption of the disclaimer also appeared on screen:

“Being a responsible channel, we have decided not to broadcast this video, because we understand our responsibility very well. Terror has no religion. Wherever in the world a tragedy like this takes place, we see that as an attack on humanity”.

The voiceover continued:

“How he carried out the attack, and what were his motivations – to know this you will have to fully understand this tragedy. Through Facebook live, you could see a car strolling around New Zealand’s city of Christchurch. The Mosque’s door was open, so the terrorist [the attacker’s name] managed to get in without any hurdles. There are cars parked on the Mosque parking. After walking eight to ten steps inside the Mosque this terrorist [the attacker’s name] starts firing. We’re saying this again, this video is terrifying, this is why the next sequence cannot be shown”.

After broadcasting interviews with eye witnesses and the manager of the Bangladeshi cricket team, more footage from the terrorist's helmet mounted camera was shown, including: as he walked around with his weapon raised; as he drove with his weapon out the window towards the street; and, once again, as he approached the Mosque and raised his weapon towards the entrance. While these images were broadcast, the voiceover said:

"The attacker comes out [of the mosque] and fires his gun. While he is firing outside the mosque, he sees a young woman who had fallen on the ground and was calling out "help, help" and he shoots her from up close. After shooting her dead he goes back to the car opens the boot and places the rifle in the car and climbs back into the car. The terrorist drives off and the matter doesn't end there as the terrorist raises the weapon again and starts firing once again. The terrorist tries to shoot through the windscreen but is unable to do so. While driving he continues to fire his weapon. When he was getting in the Mosque, he did not say a word. When he got in his car, he was laughing, but did not say anything".

A brief extract of the press conference given by Jacinda Arden following the attack was then shown in which she said:

"This act was not a reflection of who we are as a nation, that is why so many New Zealanders, every New Zealander I imagine will be shocked by this today, because this isn't who we are, you know, this is something that all of us utterly reject".

This segment finished at approximately 08:13.

We asked the Licensee for its comments on how the material broadcast at 06:06 and 08:05 complied with the following Code rules:

- Rule 2.1: "Generally accepted standards must be applied to the contents of television...so as to provide adequate protection for members of the public from the inclusion in such services of harmful and/or offensive material".
- Rule 2.3: "In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context...Such material may include, but is not limited to violence...".
- Rule 1.3: "Children must also be protected by appropriate scheduling from material that is unsuitable for them...".
- Rule 1.11: "Violence, its after-effects and descriptions of violence, whether verbal or physical, must be appropriately limited in programmes broadcast before the watershed (in the case of television)...".

Post-watershed broadcast

21:16

This news broadcast also reported on the Christchurch terrorist attack and included some of the footage that had been captured by the attacker's helmet-mounted camera and which he livestreamed on Facebook. The footage was juxtaposed with archive footage of bombing and airborne fighter jets dropping missiles.

The presenter in the studio introduced the news by explaining that the shooting resulted in the death of 49 people, including four Indian citizens, and that five Indian citizens were still missing.

A pre-recorded report was then broadcast. Following archive images of fighter jets firing missiles and a bomb exploding on the ground, the broadcast showed the terrorist's footage as he walked towards the entrance of the Mosque, raised his weapon and aimed at the figure in the doorway. The image then froze and animated images of bullet-holes accompanied by the sound of the actual shots fired by the attacker were played. The caption said:

"Terrorist shot people inside the Mosque".

After archive footage of a bomb being dropped on the ground, another piece of the terrorist's footage was shown, as he ran out of the Mosque towards the street and raised his weapon in the street. The image froze and the same animated images of bullet-holes accompanied by the sound of the actual shots fired by the attacker as described above, were added over the footage, while the caption read:

"He shot a woman who was crying for help".

This was followed by more archive footage of airborne jet fighters firing missiles and a bomb dropping to the ground and exploding. After this, footage filmed by the gunman as he drove his car was broadcast. The footage showed the gunman taking a rifle from three on the passenger seat and raising it towards the windscreen. The image froze and animated images of bullet holes on screen accompanied by the sound of actual shots fired by the attacker as described above, were added over the footage. The caption said:

"He shot people inside a vehicle parked on the road".

After showing images from the aftermath of the attacks, the news report again included the footage filmed as the attacker approached the Mosque's entrance and aimed his weapon at an indistinct figure in the doorway. The image was then frozen as the animation of bullet-holes and sound of several of the actual gun shots were repeated twice. The reporter said:

"Al Noor Masjid, in Christchurch's Dean Avenue, is located right in front of Hagley Park. The terrorist picked the day where Friday prayers would take place, because on this day the Mosque is more populated than usual".

Footage from the gunman's camera as he was driving his car was shown again. The image then froze and a picture of the attacker appeared on screen with the caption:

"Attacker's face was seen in the mirror".

The reporter said:

“This is 28 year-old [the attacker’s name] car. He filmed himself on Facebook live for 17 minutes so he could show the world what he was about to do”.

Further extracts from the terrorist’s footage was then broadcast showing: the gunman’s three weapons on the passenger seat of his car; the gunman firing a weapon towards the ground and opening the boot of his car to uncover more weapons.

The footage filmed as the gunman approached the entrance of the Mosque with his rifle in hand was then shown again, this time set to the sound of ambulance and police sirens. A flashing orange light also appeared in the middle of the screen moving along with the footage. The image froze as the attacker was pointing his rifle towards the figure in the doorway, followed by the visual effects and actual sound of shots being fired. The caption said: *“The terrorist shot people inside the Mosque”*. The reporter then said:

“Eyewitnesses say that they saw the terrorist fire rounds inside the Mosque as if he’s playing a video game”.

Footage from the gunman’s camera as he walked back to the street and raised his rifle was shown again. The image froze with the visual effects and actual sound of several of the bullet shots. The reporter said:

“After killings dozens of people in the Mosque, this terrorist comes out and commits another heinous act. He comes out shoots a woman who was begging for help”.

Footage from the gunman showed the street as he walked back to the boot of his car. A semi-automatic rifle was visible on the ground. Loud music could be heard from the inside of the car as he opened the driver’s door. The reporter commented:

“After killing people, the terrorist calmly makes his way to his car in which the ‘I am the God’ soundtrack is playing”.

After this, no further footage was shown and the news report switched to coverage relating to China selling weaponry to Pakistan.

The item ended at 21:23.

We asked the Licensee for its comments on how the material above complied with the following Code rules:

Rule 2.1: *“Generally accepted standards must be applied to the contents of television...so as to provide adequate protection for members of the public from the inclusion in such services of harmful and/or offensive material”.*

Rule 2.3: “In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context...Such material may include, but is not limited to violence...”.

Response

The Licensee said that “the attacks were of global importance” and that “as a leading Indian news channel, ABP News has vast experience in reporting on incidents of terror [in India]”. It argued that it aims at “conveying the reality of the attacks to our viewers while ensuring, to the best extent possible in each given context, that the broadcast content is not provocative”. ABP said that the content broadcast is “tailored predominantly for Indian viewers, which requires us to contextualise global news in a manner that we feel will be better received by our viewers”.

ABP acknowledged that the broadcasts contained material that “may be considered violent”. It argued, however, that “the context of such reportage [of terrorist attacks] would necessarily require it to be so” and that, “[i]n the extraordinary circumstances of a terror attack of this nature, it is only natural that a news channel will carry content relating to such attacks”.

The Licensee said that it “had edited the video footage to leave out bits that it considered disturbing, keeping in mind both the sensitivity of the viewers as well as the appeal of the New Zealand authorities³”. ABP also argued that “nothing in the material comprised in the subject broadcasts can be construed either to be harmful or offensive” under Rule 2.1 in the post-watershed broadcast.

In their written and oral representations on Ofcom’s Preliminary View, ABP made the following points:

- ABP exercised its editorial judgement by selecting clippings rather than the whole attack which had been live streamed by the attacker and widely distributed on social media. ABP said that the material was a legitimate broadcast in exercise of freedom of expression and that the time available for exercising editorial judgment was limited;
- ABP noted that it was also required to ensure that it reported the news in its broadcasts with due accuracy and impartiality;
- the three reports did not show the most graphic images filmed by the attacker, and the potential harm/offence and violence was mitigated by: pausing the image of the gunman “at the point where the violence actually starts”; blurring some of the images; broadcasting the statement of Jacinda Ardern; and including verbal and on screen disclaimers throughout the broadcast;
- it was an editorial decision to broadcast the sound real gunshots over images of bullet holes to convey the strength of the attacks whilst eliminating the most distressing images;
- ABP did not receive “a single complaint” in India, where the content had also been broadcast, and where there is a much larger Muslim population than in the UK. It was not aware of “anybody in the Muslim community in London complaining” about the content.

³ On the day of the attacks, the New Zealand Police requested that members of the public did not share the footage filmed by the gunman any further online. See [New Zealand Police’s Official Twitter account](#).

ABP acknowledged that the warnings it included in the broadcast did not use the words “parental discretion/supervision” for the pre-watershed broadcast. It said that if the content exceeded UK viewers’ expectations, it was “unintentional and inadvertent”. Its intent was to comply with the Code and the Licensee “sincerely regrets” if it did not do so. It said would be “mindful and careful of the concerns raised [by Ofcom]” and “take suitable measures” in the future. The Licensee also asked Ofcom to take into account its good compliance record for reporting the news.

Decision

Reflecting our duties under the Communications Act 2003, Section One of the Code requires that people under eighteen are protected from unsuitable material in programmes, and Section Two of the Code requires that generally accepted standards are applied to the content of television and radio services to provide adequate protection for members of the public from the inclusion of harmful and/or offensive material in programmes.

Ofcom takes account of the audience’s and the broadcaster’s right to freedom of expression set out in Article 10 of the European Convention on Human Rights when considering a broadcaster’s compliance with the Code. Ofcom considered it was clearly legitimate for ABP to report on the Christchurch attack, a serious terrorist incident of major international interest that had taken place the previous day. It is in this context that Ofcom must have regard to the broadcaster’s and audience’s right to freedom of expression while ensuring children are protected from unsuitable material and viewers in general are protected from potentially harmful and offensive material.

The Code places no absolute prohibition on distressing or graphic content as there may be circumstances in which the broadcast of such material is justified. Taking into account the right to freedom of expression, it is important for news programmes to be able to report freely on events which broadcasters consider to be in the public interest. Ofcom also recognises that when covering a breaking major news story, especially where the subject matter and associated audio-visual material is potentially distressing and offensive, important and timely editorial judgement is required. With television news bulletins likely to feature subjects and material that may well be challenging or upsetting, we must consider whether it would be a disproportionate restriction of freedom of expression to limit the broadcast of such content to post-watershed slots. It is important that broadcast journalists can report the news of what has occurred as freely as possible. However, in doing so, they must take account the need to inform the public fully and in a timely way in a competitive news environment against the requirements of the Code.

We took into account the fact that the footage included in the news programming was filmed and disseminated live online by an armed terrorist as he carried out his sustained and deadly attack on Muslim worshippers. Such terrorist propaganda may seek to glorify or justify acts of terrorism to radicalise others and intimidate the wider population and, as such, is inherently dangerous.

The broadcast of content originally made and/or disseminated for the purposes of terrorism is likely to raise compliance issues under the Code. Rule 3.1 of the Code prohibits content likely to encourage or incite the commission of crime or to lead to disorder⁴. The rules in Sections One and Two of the Code, which govern the need to protect under-eighteens and to meet standards to provide adequate

⁴ Ofcom did not consider that the content in this case raised issues warranting investigation under Rule 3.1.

protection from harm and offence, may also apply⁵. Accordingly, Ofcom expects broadcasters to pay close and careful attention to their obligations under the Code when considering whether to broadcast such material. In particular, broadcasters must be satisfied that there is a strong contextual justification for broadcasting this type of material, and that such content has been edited appropriately before its inclusion in programming.

Against this background, Ofcom considered whether the content in this case complied with Rules 2.1, 2.3, 1.3 and 1.11 of the Code for the pre-watershed broadcast, and with Rules 2.1 and 2.3 for the post watershed broadcast.

Rule 2.1

Rule 2.1 requires that generally accepted standards must be applied to the content of television services so as to provide adequate protection for members of the public from the inclusion in such services of harmful and/or offensive material.

Under this rule, broadcasters must ensure that they take sufficient steps to provide adequate protection to members of the public from the inclusion of harmful and/or offensive material in their broadcast programming. It is for the broadcaster to decide how to exercise its editorial judgement to secure such protection where necessary.

Ofcom must assess the nature of the material and whether there is a reasonable likelihood of it causing members of the public actual or potential harm or offence, taking into account of the context in which the material is broadcast. Context is important and the extent of any protection required will depend on all the circumstances in which the material is broadcast. Context is defined in the Code as including factors such as: the editorial content of the programme; the time of the broadcast; the degree of harm and/or offence; the composition and expectations of the audience; and whether any warnings were given to the audience.

We also took account of Ofcom's [Violence Research](#), which found that the impact of violence on audiences increases with the level of detail shown. Audiences were found to be less accepting of pre-watershed violence when more vulnerable people were shown to be victims of violence. The research also found that violent content that feels 'closer to home' is more likely to offend or disturb than that which seems more distant. This 'closeness' had a number of aspects, including the degree to which viewers can personally relate to a scene and the extent to which the scene is realistic and serious.

We first considered whether harmful and/or offensive content had been broadcast in this case.

All three news programmes broadcast at 06:06, 08:05 and 21:16 on 16 March 2019 reported on the terrorist attacks that took place in Christchurch, New Zealand on 15 March 2019 and included clips from the footage filmed by the gunman from his helmet-mounted camera during the attack. While the Licensee only broadcast short clips from the terrorist's footage, in each of the three broadcasts they were repeated in a loop and contained graphic scenes from the terrorist attack.

⁵ In addition to the rules considered in this Decision, the broadcast of terrorist content may also raise issues under Rule 2.4 ("Programmes must not include material [whether in individual programmes or in programmes taken together] which, taking into account the context, condones or glamorises violent, dangerous or seriously antisocial behaviour and is likely to encourage others to copy such behaviour").

In particular, all three broadcasts included the clip from the gunman's footage as he approached the entrance to the Mosque with his weapon raised and aimed it at an indistinct figure in the doorway. In the 08:05 news report, the first broadcast of this clip included the weapon being fired, with smoke and flashes and the sound of gunfire. We considered that the natural inference that viewers would draw from these images was that this was the point at which the person in the doorway had been killed or seriously injured by the gunman.

Otherwise, in all three news reports, the footage was frozen just before the weapon was fired and replaced by a black screen with animated and audio effects of bullet shots. The voiceover in the 06:06 broadcast made it clear that the sounds broadcast as the bullet holes appeared on screen were the actual shots fired by the terrorist. This footage was broadcast repeatedly in all three reports.

While the Licensee had taken steps to mitigate the violence of the attack, we found that these were not sufficient. We considered that the broadcast of the footage showing the terrorist firing at the person in the doorway of the Mosque was inherently disturbing and had the potential to cause significant distress and harm to viewers. By showing actual footage of a terrorist shooting someone from the perspective of the attacker, the broadcast also had the potential to intimidate viewers, in particular Muslim viewers, by exacerbating fears of copycat attacks. We considered that the looping of this footage, albeit later frozen just before the weapon was fired, but with the repeated visual effects and actual sound of the bullets being fired, would have significantly exacerbated the impact on the audience.

We also considered that the content that was broadcast at 08:05 was inherently offensive because it was filmed by the gunman and showed him as he shot at and, in all likelihood, killed or seriously injured a worshipper during the attack.

Likewise, we considered that the repeated broadcast of footage showing the gunman approaching the Mosque and aiming his weapon at the entrance, followed by visual effects and actual sounds of the bullets being fired, was offensive as it exacerbated the impact of this highly distressing and violent material filmed by the terrorist as he launched his attack on the Mosque.

We then assessed whether the Licensee provided adequate protection for members of the public from the inclusion of the harmful and offensive material in this case, taking account of the context in which the material was broadcast. We therefore considered factors such as: the editorial content of the news reports; audience expectations; and any steps taken by the broadcaster to mitigate their impact on viewers.

We took into account that the clips were part of news programming about the Christchurch terrorist attacks. The attacks, which were unprecedented in New Zealand's history, were of global interest and we agreed with the Licensee's representations that there was a clear editorial justification for broadcasting news reports about the event. We also accepted that the Licensee's representations that its editorial decisions were informed by all its obligations under the Code, including its obligations to present the news with due accuracy and impartiality. We considered that the gunman's filming and online streaming of his actions were striking aspects of the attack and so information about this was likely to feature in news reports. We took into account that the Licensee chose to broadcast brief clips of the attacks, lasting only a few seconds, rather than the entirety of the recording that the attack captured through his helmet mounted camera and which he streamed live online.

However, the violent clips were shown on a loop, including the most disturbing one in which the gunman aimed his weapon at a person standing at the entrance to the Mosque, and the images were accompanied by repeated visual and actual sound of the bullets being fired. This exacerbated the disturbing nature of the images and their likely impact on viewers.

Viewers were likely to have expected that news content would cover themes of a potentially disturbing or distressing nature. However, the news programme in this case was broadcast at 06:06 and 08:05, well before the watershed, and so audiences were unlikely to have expected the broadcasts to include such graphic and distressing images. We acknowledged that looping of images is sometimes used by this channel in news programming, but we did not consider that audiences would have expected to see some of the most disturbing images from the terrorist's footage broadcast repeatedly on a loop during these broadcasts. Even when broadcast after the watershed at 21:16, we considered the strength and repetition of this content was such that it would have exceeded viewers' expectations.

The reports were broadcast more than 24 hours after the attacks and they had been widely covered through reports on social media and other television and radio services during the course of the afternoon of the 15 March 2019 and early evening. We therefore considered that many in the audience would probably already have awareness of the attacks and their particularly disturbing nature, however, in our view, the recency of the events also meant that viewers were likely to have been particularly shocked and affected by these broadcasts.

Given the highly disturbing nature of this content and the extent to which it was repeated in each news item, we considered that its adverse impacts were likely to have exceeded the audience's expectations. This, in our view, would have been especially the case for viewers from the Muslim community, who we considered were likely to form part of ABP News UK's audience and would have found this content particularly distressing. The fact that ABP did not receive "a single complaint" in India is not relevant to our assessment of the Licensee's compliance of its broadcast in the UK under the Code and its potential impact on viewers in the UK. Ofcom did receive a complaint about the UK broadcast. ABP is entitled to reflect different perspectives appropriate to its global outlook but it must also remain sensitive to generally accepted standards in the UK if it chooses to broadcast in this country. All content broadcast on licensed services in the UK must adhere to the Code.

We took into account that these were not live news reports so the Licensee should have had time to make considered decisions about whether to include the footage, and if so in what manner, to ensure that it complied with Rule 2.1.

Both the 06:06 and 08:05 news reports included statements from the channel (in the captions and the voiceover) and from Jacinda Ardern, the New Zealand Prime Minister, condemning the attack. We considered that the inclusion of these statements may have mitigated to some degree the impact of the footage of the attack on viewers.

The Licensee said that viewers would have been alerted to the strength of the material by the disclaimers repeated throughout the broadcasts. We took account of the statements broadcast throughout the two morning broadcast news reports at 06:06 and 08:05 that the channel understood its responsibility as a broadcaster and as a result was not showing all of the footage filmed by the terrorist. While these explained to viewers that the Licensee was not showing the most distressing

images filmed by the terrorist, in our view they did not provide a warning to viewers to alert them to the potential impact of the footage that was included in the broadcast. We also took into consideration the banner headline “*SUPER EXCLUSIVE*” which was shown with the footage in the 08:05 broadcast was likely to have drawn particular attention to the material being broadcast. Therefore, we considered that the extent to which the captions and other content mitigated the adverse impact of the footage was limited. We also took into account that there were no warnings or statements in the evening news report to alert viewers to the nature of the footage that was being shown.

Overall, we considered that the public interest justification for reporting the incident was very high. We had particular regard to the freedom of expression of the broadcaster and its audience in this case because of the importance of news programmes being able to report freely on such significant events. We also took into account that the Christchurch attacks and the loss of life that resulted were shocking events and we considered that any broadcast news report about them was likely to involve upsetting material for some viewers.

The Licensee said that “the attacks were of global importance” and that “as a leading Indian news channel, ABP News has vast experience in reporting on incidents of terror [in India]”. It argued that it aims at “conveying the reality of the attacks to our viewers while ensuring, to the best extent possible in each given context, that the broadcast content is not provocative”. ABP said that the content broadcast is “tailored predominantly for Indian viewers, which requires us to contextualise global news in a manner that we feel will be better received by our viewers”.

We recognised that it is for broadcasters to exercise their editorial judgment when deciding how to present distressing news stories for their audience. However, broadcasters must provide adequate protection for viewers from harm and/or offence under Rule 2.1. The broadcast of the footage described above, which showed the gunman approaching the aiming his weapon at the entrance, to the Mosque and firing directly at someone standing there, was inherently disturbing. The footage was created and disseminated in real time by the gunman as he killed and maimed Muslim worshippers and captured the violence of the terrorist attack. It was reasonable to infer that the gunman had filmed this material to spread terrorist propaganda. Within this context, by broadcasting this content on a loop, with additional images and sounds which exacerbated its impact, and with limited warnings, the broadcaster failed to provide adequate protection for its viewers from the significant harm and offence that this material had the potential to cause.

For all the reasons above, our Decision is therefore that the material included in the news reports broadcast at 06:06, 08:05 and 21:16 was in breach of Rule 2.1.

Rule 2.3

Rule 2.3 requires broadcasters to ensure that the broadcast of potentially offensive material is justified by the context. Context includes factors such as: the nature of the content, the service in which the programme is broadcast, its editorial content and the likely expectation of the audience.

Rule 2.3 places no restrictions on the subjects covered by broadcasters, or the manner in which such subjects are treated, as long as potentially offensive content is justified by the context.

We first considered whether the material included in the 06:06, 08:05 and 21:16 broadcasts had the potential to cause offence.

As set out above, we considered that material taken from the gunman's footage which was included in the broadcast news report at 08:05 was inherently offensive because it was filmed by the gunman and showed him shooting at and, in all likelihood, killing or seriously injuring a Muslim worshipper at a Mosque. Likewise, we considered that the repeated broadcast of footage in all three reports showing the gunman approaching the Mosque and aiming his weapon at the entrance, followed by visual effects and actual sound of the terrorist's bullets firing, was offensive because it exacerbated the impact of this highly distressing and violent material filmed by the terrorist as he launched his attack. We considered these images had the potential to cause substantial offence to Muslim viewers in particular.

We therefore went on to consider whether the broadcast of the material was justified by the context. Our assessment took into account the same contextual factors that we considered under Rule 2.1.

We took particular account of the right to freedom of expression in this case. Ofcom acknowledged that broadcasters must have the editorial freedom to report on difficult, controversial and distressing events. In reporting significant news events, they must also have the freedom to select and present the information and facts as they wish in line with their right to freedom of expression, which also includes the audience's right to receive information and ideas. However, given the material risk that this content would cause considerable offence to viewers, we considered that its broadcast required a strong contextual justification.

There was clearly a strong public interest in broadcasting news about the Christchurch attacks. We acknowledged that the attacks and the loss of life that resulted were shocking events and any broadcast news report about them was likely to contain upsetting material for some viewers. We also acknowledged that the gunman's filming and online streaming of his actions were striking aspects of the attack and so information about this was likely to feature in news reports.

In line with our assessment under Rule 2.1, to the extent that the Licensee had taken steps to mitigate the impact of the clips on viewers, we considered that the effect of these was limited.

We took into account the Licensee's representations that it had taken account of the sensitivities of its viewers and we acknowledged that this was reflected in its decision not to show all the footage filmed by the terrorist. Nonetheless, we considered that the broadcast material described above of the gunman pointing his gun at, and in one instance firing at, the entrance to the Mosque and a worshipper standing there, was clearly offensive and was not justified by the context in which it was broadcast.

For all the reasons above, our Decision is therefore that the material included in the news reports broadcast at 06:06, 08:05 and 21:16 was in breach of Rule 2.3.

Rule 1.3

Rule 1.3 requires that children⁶ must be protected by appropriate scheduling from material in programmes that is unsuitable for them. Appropriate scheduling is judged by a number of contextual

⁶ Children are defined in the Code as those under the age of 15.

factors including: the nature of the content, the likely number and age range of children in the audience, the time of broadcast, and audience expectations.

Ofcom first considered whether the material broadcast pre-watershed at 06:06 and 08:05 was unsuitable for children.

For the reasons set out above, we considered clips from the gunman's footage showing him pointing his weapon at the entrance to the Mosque and towards a person standing there and, in one instance, firing at the person, were inherently disturbing. We considered that the version of this footage shown in the 08:05 broadcast would have been particularly gruelling and distressing for any children in the audience. We considered the material was clearly unsuitable for children.

We went on to consider, therefore, whether the material was appropriately scheduled.

There is a long history of news reporting on potentially distressing global events. In the exceptional circumstances of this particular case, we accept that there was a strong public interest in reporting on the Christchurch attacks before the watershed. As we have said, the attacks and the loss of life that resulted were shocking events and any broadcast news report about them was likely to entail upsetting material for some viewers. Accordingly, where such a report was to be broadcast before the watershed, it was incumbent on the broadcaster to consider whether the material was appropriately scheduled to protect children, in compliance with Rule 1.3.

Ofcom's guidance on Section One of the Code states: "It is accepted that it is in the public interest that, in certain circumstances, news programmes may show material which is stronger than may be expected pre-watershed in other programmes as long as clear information is given in advance so that adults may regulate the viewing of children".

As explained previously, the Licensee included statements throughout the two pre-watershed broadcast news reports that it was not showing all of the footage filmed by the terrorist because it "is a responsible organisation". However, we took the view that these statements did not provide a warning to alert viewers to the potential impact of the footage that was included in the broadcast. Further, the banner headline "SUPER EXCLUSIVE", which was shown with the footage in the 08:05 broadcast, could be seen as encouraging viewers to watch the material being broadcast. Therefore, we considered that the captions and other content in these broadcasts would not have been effective in alerting viewers, including parents and carers, to the nature of the content.

The news reports under consideration were broadcast before the watershed on a Saturday morning, when children were not at school and may have been watching unsupervised, including potentially very young children. The clips of graphic violence were relatively short but were repeated several times in each of the two pre-watershed broadcasts on a loop.

We took into account the Licensee's explanation for why this content had been broadcast. However, taking all of the factors outlined above into account, our Decision is that the Licensee did not appropriately schedule this material which was clearly unsuitable for children, in breach of Rule 1.3 of the Code.

Rule 1.11

Rule 1.11 states that violence must be appropriately limited in programmes broadcast before the watershed and must also be justified by the context.

We first assessed whether the level and nature of the violence featured in the footage shown pre-watershed at 06:06 and 08:05 was appropriately limited. We considered that it was not, for the same reasons we considered that the material was unsuitable for children under Rule 1.3.

We went on to consider whether the broadcast of the content had been justified by the context. We took into account the same contextual factors as we considered under Rule 2.3. We also took into account the Licensee's explanation for why this content had been broadcast. However, for reasons similar to those given in our assessment under Rule 2.3, we considered that the broadcast of the content was not justified by the context.

Our Decision is therefore that Rule 1.11 was also breached.

Conclusion

This Decision is one of three breach decisions⁷ that Ofcom has published relating to different broadcasters' coverage of the terrorist attack that took place in Christchurch on 15 March 2019. Broadcasters have the editorial freedom to broadcast reports about such events in their programming. However, footage which shows a terrorist attack taking place is likely to be inherently disturbing and offensive and has the potential to cause significant distress and harm to viewers, including any children in the audience. Therefore, Ofcom reminds all broadcasters of the care that they must exercise when considering whether and, if so, how to include such content in broadcast output. Sufficient context should be provided to ensure audiences are adequately protected. This might include, but is not limited to, providing clear and explicit warnings to alert audiences to such content.

Breaches of Rules 1.3, 1.11, 2.1 and 2.3 (06:06 and 08:05 broadcasts)

Breaches of Rules 2.1 and 2.3 (21:16 broadcast)

⁷ ATN News, ATN Bangla UK, 16 March 2019 GEO News, GEO TV, 16 March 2019