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Ofcom
Consultation on Section Three Broadcasting Code Review
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18 March 2016

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Channel 4 response to Consultation on Section Three Broadcasting Code Review

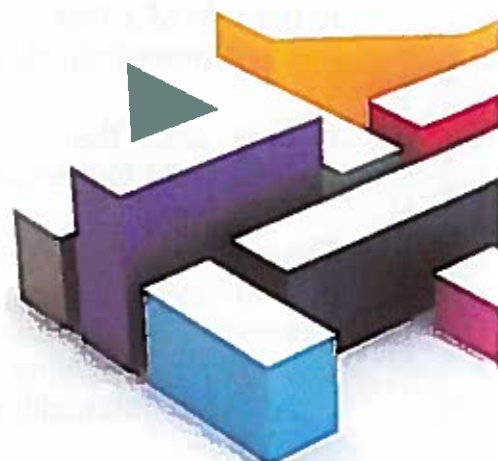
Channel 4^{*} is a publicly-owned, commercially-funded public service broadcaster, with a statutory remit to be innovative, experimental and distinctive. It has a recognised long established history of producing challenging content across all genres of programming from News and Current Affairs through comedy, satire and drama.

Experience of successfully dealing with the problematical and sensitive issues of content capable of inciting crime and disorder, including hate speech, is evidenced by Ofcom's citing of precedent cases in this area, where Channel 4's programmes *Undercover Mosque* and *Report on Al Shabaab* (C4 News) were found to be not in breach of any relevant rule.

Channel 4 welcomes the acknowledgment in the Foreword to the proposed code amendments of 'broadcasters' right to freedom of expression and audiences' right to receive information and ideas'. Freedom of expression is founded on the principle that in a democracy there will be differing opinions and that opinions should be subject to open and transparent scrutiny.

Channel 4 would, therefore, be concerned if the application of the revised Code had the effect of disproportionately restricting the freedoms of broadcasters and the rights of viewers. To exclude potential interviewees or subject areas on the grounds of their extreme views or that they may otherwise cause harm or

^{*} In addition to the main Channel 4 service, Channel 4's portfolio includes E4, More4, Film4 and 4Music, as well as an ever-growing range of online activities that includes All4 as well as standalone digital projects



offence would directly trespass on both these freedoms and rights. Further, the 'oxygen of publicity' argument should not be invoked to outweigh them. It is the role of a free and fair media to challenge extreme views and to hold to account those individuals or groups who express them.

Having said that, Channel 4 agrees, in principle, with the proposed amendments to the Code and associated Code guidance.

Channel 4 welcomes Ofcom's acknowledgment that broadcasters must be able to cover on-going news stories, as well as legitimately to report on and interview controversial individuals or groups/organisations who hold extreme and very challenging opinions, including those that pose potential terror threats internationally and domestically.

Given appropriate context and challenge, as Ofcom prescribes, this is unarguably in the public interest. It must remain an editorial judgement for the broadcaster as to the individuals to be interviewed and/or the subject matter to be covered, provided that there is appropriate contextualisation and challenge to take care that the exercise is compliant.

With specific reference to the Code guidance, Channel 4 notes that under A6.16 (c) broadcasters are asked to *ensure* that no statements be broadcast which *could* incite crime or lead to disorder. This seems to be phrased somewhat widely.

Channel 4 also agrees with Ofcom's comments in A6.31 drawing attention to other genres, beyond news and current affairs, where these issues may arise; drama reflects the world we live/have lived in, while comedy and satire can provide other legitimate means of informing the public and challenging extreme, offensive or otherwise harmful views.

In conclusion, Channel 4 accepts a situation where freedoms and rights can be safeguarded by appropriate challenge and context, while resisting any interpretations which may erode or undermine those principles.

Channel 4 Television
18 March 2016