

Ofcom Broadcast and On Demand Bulletin

Issue 397
24 February 2020

ATN News

Type of case Broadcast Standards

Outcome In Breach

Service ATN Bangla UK

Date & time 16 March 2019, 10:01 and 18:02

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

ATN Bangla UK is a news and general entertainment channel aimed at the Bangladeshi community in the UK. The licence for ATN Bangla UK is held by ATN Bangla UK Ltd ("ATN" or "the Licensee").

Ofcom received three complaints that, on 16 March 2019 at 18:02, ATN News broadcast footage of the terrorist attack in Christchurch, New Zealand.¹ The complainants were concerned that footage

¹ On 15 March 2019, a gunman carried out attacks during Friday prayers, in two Mosques in Christchurch, New Zealand. The gunman shot dead 51 Muslim worshippers and injured 50 more. The attack was live streamed on Facebook from a camera on the gunman's helmet. Prior to the attack, the suspect allegedly published a "manifesto" online in which he denounced immigrants as "invaders". It was reported that the 74-page

filmed by the gunman as he carried out his attack was broadcast at a time when children were likely to be watching. They were also concerned about the impact of the material on children and on viewers generally, given the disturbing nature of the clips.

As a result of the issues raised by these complaints, we also requested recordings of other content of other content broadcast by ATN News on the same day (16 March 2019), which we assessed. We identified further programming broadcast at 10:01, which also raised issues warranting investigation under the Code.

The content in this case was broadcast mostly in Bengali which we have obtained an independent translation. The Licensee did not comment on the accuracy of the translation and we therefore relied on it for the purposes of our investigation.

We were concerned that the recordings provided by ATN in this case were of poor quality, because some of the graphics and captions were not legible and could not, therefore, be translated². Nevertheless, Ofcom considered that the content, including the footage filmed by the gunman, was of sufficient quality to be assessed against the rules of the Code.

The broadcast content

At approximately 10:01 and 18:02 on 16 March 2019, ATN News reported on the terrorist attacks 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 live-streamed on Facebook.

10:01

At approximately 10:01, the presenter introduced the headlines of the day, including that:

“Bangladeshi cricketers are on their way to Dhaka from Christchurch. The attacker [name of gunman] is in custody. The Prime Minister of New Zealand has declared that she will toughen up the gun law. The Prime Minister of Bangladesh said that in future the cricketers would be sent to any foreign land with the highest security. She urged all political leaders of the world to come forward to stop terrorism...Now the details...The terrorist attacked a Mosque near Hagley Field. The cricketers were going to that Mosque for their Friday prayer. After the attack, the team cancelled their Kiwi tour. [A] New Zealand court has approved a remand request for [name of gunman]. The state presented him in court and accused him of murder. After the hearing, the court approved that the police could hold him until 5th April for questioning. 49 people including 3 Bangladeshis died in this attack, and after the

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 licensing investigation was launched separately in relation to ATN’s failure to provide broadcast quality recordings of the programme. Ofcom found that ATN breached Condition 11(1) of its the Television Licensable Content Service licence. The breach decision is published in [Issue 385 of our Broadcast and On Demand Bulletin](#).

incident Prime Minister Jacinda Arden said she would impose tougher gun laws. Rajib Shaha reports”.

In a voice over, the reporter explained:

“The main accused in the Christchurch attack, [name of gunman], was brought to the District Court and accused of murder. The 28 year-old Australian was wearing a white prison uniform. The hearing started after murder charges were brought against him. After the hearing, the district judge approved the remand request. The court also ordered him to remain in police custody until 5th April, when he will appear in court again. The police said that more charges could be brought forward against him. Two more suspects are in custody too. Their involvement in this attack is under investigation. The Mayor of Christchurch, Lianne Dalziel, has assured the residents that it is safe to remain in the city”.

Whilst the reporter was speaking, the following images were shown:

- the alleged gunman as he was brought by the police into court, his face and body blurred;
- a photograph that the alleged gunman took of himself and shared on social media before the attack, unblurred; and,
- images of the aftermath of the attacks, including armed policemen wearing protective vests and protecting the area surrounding one of the Mosques, and bystanders.

A brief extract of a press conference was then shown, in which the Mayor of Christchurch said:

“I am very shocked about what happened here. I am very shocked that it has happened in New Zealand. Communities can respond to the voice of hate by coming together, showing love, compassion and kindness”.

The reporter explained in a voiceover that:

“The attacker had a licence for six weapons. However, his name was not on any police list”.

Footage filmed by the attacker’s camera was then broadcast, showing the following:

- the outside of a Mosque as seen through the eyes of the gunman as he walked towards the entrance, his semi-automatic rifle pointing forwards in the foreground of the shot. As the gunman moved towards the entrance doors of the Mosque nine shots were clearly audible;
- the body of a man lying in the entrance hall of the Mosque, as the gunman walked past;
- the inside of the Mosque, as seen through the eyes of the gunman as he walked into what appeared to be a prayer room;
- a group of worshippers who were crouched on the ground in a corner of the prayer room as the gunman fired at them. The sounds of the shooting were clearly audible.

The broadcast sequence taken from the attacker’s camera lasted nearly 15 seconds and the sound of the shots fired by the gunman were clearly audible throughout.

A brief section of the press conference given by the Prime Minister of New Zealand, Jacinda Arden, in the aftermath of the attacks was then broadcast, in which she made the following statement:

“I want to make special mention of those who are involved in parts of the operation involving disarming devices and undertaking the arrests themselves. Many of you may have seen the footage of the arrest”.

The reporter then said:

“After the Friday attack, the flag has been at half-mast. Thousands of people paid their respects to those affected near the Mosque. All Mosques have been closed. All sports and entertainment programs have been postponed too. On Friday two Mosques were attacked and 49 people, including three Bangladeshis, died in that attack. 48 people have been injured. 11 of them are in critical condition, hospitals said”.

Back in the studio, the presenter said:

“[Bangladeshi] Prime Minister Sheikh Hasina said that in future the cricketers would be sent to any foreign country with the utmost security. She condemned the Christchurch attack and said world leaders need to come forward to stop terrorism. Sheikh Hasina said this when she opened the Shitolokhha Bridge at Dhaka-Sylhet highway, the Bhulta four-lane flyover and Litifpur Railway through video conference from GonoBhobon. [Name of reporter] reports”.

The reporter said in the voiceover:

“The Prime Minister condemned the Christchurch attack and expressed her sadness over the deaths. She said that terrorism did not have any religion and she also expressed gratitude to God that the cricketers were unharmed”.

A section of the statement made by Sheikh Hasina at the press conference was broadcast, in which she said:

“One should not just condemn these incidents but should also take steps to stop terrorism forever. I believe that the terrorists do not have any religion, country or nationality. In future, whenever we send our cricket team anywhere, we will assure their safety first. Whoever comes to our country to play, we provide adequate safety”.

18:02

At approximately 18:02, the 10:01 broadcast was re-broadcast in its entirety as described above, albeit with a different presenter.

We considered this content raises potential issues under the following Code rules³:

Rule 2.1: “Generally accepted standards must be applied to the contents 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”.

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)...”.

We therefore asked the Licensee for its comments on how the content complied with these rules.

Response

The Licensee said that it sources “news contents from outside agencies and edit[s] the contents with due diligence”. It said that on the day of the broadcast, the footage of the Christchurch attack that had been filmed by the attacker was “duly edited”. However, ATN said that after it had been broadcast, it realised that there had been a “technical glitch” and that as a result, “some of the contents were not synchronised”. It added that: “This was because the news of Christchurch Mosque attack was sent on a different format that was not entirely recognised by our system”. The Licensee argued that the technical error was “beyond human control” because “the format of the footage that we sourced was incompatible”. It said that, since the broadcast, its editorial team had “reviewed the glitch and placed adequate measures to prevent [a] repeat of such an occurrence in the future”.

The Licensee argued that the violence of the material was mitigated by the following factors:

- the service is watched by Bengali-speaking adults who are “educated in Bangladesh” and there was a low likelihood of children watching the news before or after the watershed;
- the Licensee acknowledged that the footage “appear[ed]” to be violent because a rifle was shown, but the “graffiti on the rifle diluted its true effect”;
- “there was no blood to associate the rifle with apparent killing”;
- as “the footage was from a helmet-mounted camera, it did not show the assailant and thus the footage appears to be more of a videogame”; and
- as “some parts of the footage retained masking and/or blurring of the sourced footage, [the] gravity of the violence was reduced substantially and can be interpreted as acceptable”.

³ Given the nature of the content included in the programmes in this case, we also asked for comments under Rule 2.4 and Rule 3.1. See footnotes [10 and 11] below.

Decision

Reflecting our duties under the Communications Act, 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 ATN 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 balance 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 in order to radicalise others and intimidate the wider population and, as such, is inherently dangerous.

The broadcast of content which has been 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 protection from harm and offence, may also apply⁵. Accordingly, Ofcom expects

⁴ For the purposes of our investigation, we asked the Licensee for its comments on how the news reports complied with Rule 3.1. Noting that the programmes under investigation only included very brief clips from the footage filmed by the gunman and the context in which the clips appeared, we decided not to pursue this aspect of our investigation.

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").

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 this programme complied with Rules 2.1, 2.3, 1.3 and 1.11 of the Code.

Rule 2.1

Rule 2.1 requires that generally accepted standards must be applied to the contents 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. 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 the audience 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.

The news programmes broadcast at 10:01 and 18:02 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. While the clips that were broadcast were short, they were graphic and violent, showing the gunman shooting at and, in all likelihood, killing or seriously injuring Muslim worshippers.

The clips showed the gunman approaching the Mosque shooting and then the body of a man lying motionless on the floor as the gunman entered. 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. The footage then showed the gunman firing indiscriminately at a group of people huddled around the edge of a prayer room. Again, we considered that viewers would have understood from this footage that members of this group were likely to have been killed or injured by the gunman.

The substance and nature of the clips were inherently disturbing and had the potential to cause significant distress and harm to viewers. We considered that by portraying a terrorist attack as it occurred, the clips also had the potential to intimidate viewers, in particular Muslim viewers, by exacerbating fears of copycat attacks.

The Licensee said that since the footage did not show the assailant, it “appears to be more of a video game”. We did not accept that the images would have appeared artificial or fictionalised to viewers, as they were broadcast in the context of a news report in which the presenter announced that 49 people had been killed in a gun attack. As a result of broadcasting the clips, viewers saw events unfold from the assailant’s perspective, giving the sense of being present at the scene, and this could have heightened the distress and alarm that they may have experienced. To the extent that the first-person perspective may have created a video game-like effect for some viewers, that may have increased the distress they may have felt by appearing to dehumanise the victims of this real-life attack.

We wholly disagreed with the Licensee’s assertion that the inscriptions on the attacker’s firearm (which were later identified as the names of extreme far rights activists) mitigated the impact of the violence being shown.

We considered that the clips that were broadcast were also inherently offensive because they were filmed by the gunman and showed him shooting at and, in all likelihood, killing or seriously injuring Muslim worshippers at a 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: 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 there was clear editorial justification for broadcasting news reports about the event. 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 broadcast footage of the attack was brief (in each of the 10:01 and 18:02 broadcasts the clips were nearly 15 seconds long). However, as discussed above, the content featured was shocking in its nature, depicting as it did details of the attacker shooting at and, in all likelihood, killing and seriously injuring Muslim worshippers.

Viewers were likely to have expected that news content would cover themes of a potentially disturbing or distressing nature. However, the news programmes in this case was broadcast at 10:01 and 18:02, well before the watershed, and so audiences were unlikely to have expected the broadcasts to include such graphic and distressing images.

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 these 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, we considered 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 were likely to have made up the majority of ATN Bangla UK's audience, and would have found this content particularly distressing.

We took into account that the clips 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.

The descriptions of the attack by the presenters and reporters were not graphic or detailed, and we considered that these would not have had any impact on how viewers responded to the footage. Each news report including footage from the attacker's camera featured statements from the prime ministers of New Zealand and Bangladesh in which they condemned the attacks. The reports also included a statement from the Mayor of Christchurch in which she urged communities to show "*love, compassion and kindness*". We considered that the inclusion of these statements in the reports may have mitigated the impact of the footage of the attack for viewers, but only to a limited extent, given the disturbing violence portrayed.

Although the Licensee said that some of the content had been blurred, Ofcom was unable to identify this due to the poor quality of the recordings provided by the Licensee. In any event, notwithstanding the quality of the recordings, Ofcom considered that the violent acts of the gunman were clear from the broadcast.

The Licensee also made reference to the absence of blood in the clips. We accepted that the images in the clips did not capture these particularly graphic details. However, we did not consider that their absence materially reduced the high risk of harm and offence, given the disturbing nature of the content that was shown.

The Licensee did not refer in its representations to any warnings about the content of the clips as having been given to viewers and, due to the poor quality of the recordings, it was not possible for Ofcom to ascertain whether these were part of the graphics and captions. We therefore took the view that there was no evidence that the Licensee provided the audience with any warnings about the content of the clips.

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.

Broadcasters must provide adequate protection for viewers from harm and offence under Rule 2.1. The video clips described above were inherently disturbing because they captured the graphic violence of these terrorist attacks and because they were created and disseminated in real time by the gunman as he killed and maimed Muslim worshippers. It was reasonable to infer that the gunman had

filmed this material to spread terrorist propaganda. Within this context, the broadcast of these clips, although brief, had the potential to cause significant harm and offence to viewers.

The repetition of these clips in the Licensee's broadcast news programming exacerbated the high risk of causing significant harm and offence to viewers. Although the Licensee explained that there had been a "technical glitch", we considered that this did not alter the fact that the content had been broadcast on at least two occasions. Taking account of all the contextual factors, we considered that the Licensee failed to provide adequate protection for members of the public from the inclusion of harmful and offensive material in the broadcast.

For all the reasons above, our Decision is therefore that Rule 2.1 was breached.

Rule 2.3

Rule 2.3 requires broadcasters to ensure that the broadcast of potentially offensive material

is justified by the context. As we explain in our assessment under Rule 2.1, context includes factors such as: the nature of the content, the service in which the programme is broadcast, and the likely expectations 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 had the potential to cause offence.

For the reasons set out above, we considered that the clips from the gunman's footage included in the broadcast news reports, which showed him shooting at and, in all likelihood, killing or seriously injuring Muslim worshippers at a Mosque, were offensive. We considered that the images had the potential to cause substantial offence to Muslim viewers in particular.

We went on therefore 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 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 live online streaming of his actions were striking aspects of the attack and so information about this was likely to feature in news reports.

Although the clips from the footage showing the gunman shooting worshippers in the Mosque that were broadcast were very short, they were graphic and the level of potential offence for viewers was high. As a result, we considered the Licensee's decision to repeat the broadcast of the clips as part of

its news reporting may have been perceived as gratuitous by viewers. 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. There was no evidence that the Licensee provided any warnings about the content of the clips before broadcasting them.

We took into account the Licensee's explanation for why this content had been broadcast, and the steps it said it was taking to improve compliance. However, given all of the above, in our view the broadcast of clips from the footage filmed by the gunman had the potential to cause substantial offence to viewers and was not justified by the context in which it was broadcast.

Our Decision is therefore that Rule 2.3 was breached.

Rule 1.3

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

For the reasons explained above, we considered the clips from the gunman's footage which were broadcast as part of the Licensee's news reports about the Christchurch attacks were inherently disturbing. We considered that the real-life images of Muslim worshippers being shot in a Mosque and, in all likelihood, killed or seriously injured, 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". A significant factor in this case was that there was no evidence of any warnings having been broadcast to alert viewers, including parents and carers, to the nature of the content.

ATN argued that "the service is watched by adults speaking Bengali" and who are "educated in Bangladesh" and that there was a low likelihood that of children watching the news before or after the watershed. Ofcom recognised that news programmes are typically aimed at adults and, the likelihood

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

of children watching may be low. Nonetheless, broadcasters have a responsibility towards children who may watch their programming, and must schedule their programming appropriately to ensure compliance with Rule 1.3.

The news reports under consideration were broadcast before the watershed on a Saturday morning and in the early evening, when children were not at school and may have been watching unsupervised, including potentially very young children. The clips of violence were relatively short but were nevertheless very graphic.

As set out in our assessment under Rules 2.1 and 2.3, we considered the steps taken by the Licensee to mitigate the impact of the clips would only have had a limited effect. There were no warnings being given about the content of the clips before their broadcast which may have alerted viewers (and, in particular parents and carers) to the unsuitability of the material for children.

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 recorded by the gunman, that was included in the broadcasts in this case, 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 broadcasting these images before the watershed was justified by the context. We took into account the same contextual factors as we considered under Rule 2.3. For reasons similar to those given in our assessment under Rule 2.3, we considered that the broadcast of the clips before the watershed 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 of the Code.

⁷ ABP News, ABP News Network, 16 March 2019

GEO News, GEO TV, 16 March 2019