

Section Five

"Matters of political or industrial controversy and matters relating to current public policy"

"political or industrial issues on which politicians, industry and/or the media are in debate. Matters relating to current public policy need not be the subject of debate but relate to a policy under discussion or already decided by a local, regional or national government or by bodies mandated by those public bodies to make policy on their behalf, for example non-governmental organisations, relevant international institutions, etc."

"Matters of major political or industrial controversy and major matters relating to current public policy"

"these will vary according to events but are generally matters of political or industrial controversy or matters of current public policy which are of national, and often international, importance, or are of similar significance within a smaller broadcast area"

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The Guidance on Section five goes into a bit more detail about matters, for example it outlines a number of examples in which a programme would not necessarily be deemed to be dealing with a matter, including:

- Where references are essentially descriptive and incidental to the main editorial premise for a programme and no views or opinions on the merits of the matter are included.
- Where references are used as descriptive background to something such as a historical drama
- Where 'personal view' testimony on particular matters is included within factual programming

The Guidance also does into a bit more detail about major matters, for example outlining these are

- Generally of national and often international importance, or are of similar significance within a smaller broadcast area
- Likely to be of the moment

[REDACTED]

RT(1): Breach and Sanction Decisions

10 investigations into RT news and current affairs programmes

Rules 5.11 and 5.12 of the Ofcom Broadcasting Code:

- 5.11 *In addition to the rules above, due impartiality must be preserved on matters of major political and industrial controversy and major matters relating to current public policy by the person providing a service[...] in each programme or in clearly linked and timely programmes.*
- 5.12 *In dealing with matters of major political and industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. Views and facts must not be misrepresented.*

7 programmes found in breach, 3 not in breach – £200,000 penalty and a direction to broadcast a statement of our finding.

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In 2018 Ofcom investigated 10 programmes aired on RT (news and current affairs channel produced in Russia and made for UK audiences, providing a Russian perspective on UK and global news and current affairs) - the investigation mostly related to content broadcasted in the News and in two programmes called Sputnik and Crosstalk between March and May 2018 , mostly, regarding the poisoning of the Skripals and the role of the US and coalition countries in Syria - Ofcom was alerted to these programmes by a combination of complaints from viewers and Ofcom's own monitoring.

Ofcom considered that seven of the ten programmes that we investigated were dealing with matters of major political controversy and major matters relating to current public policy

Therefore, rules 5.11 and 5.12 applied in relation to those seven programmes – you can see the full text of these rules on screen, but paraphrasing their content, a broadcaster who treats issues of major political and industrial controversy and matters of current public policy must (A) preserve due impartiality in each programme or in clearly linked/timely programmes; and

(B) must present an appropriately wide range of significant views/ give them due weight in each programme or in clearly linked and timely programmes.

During the investigation, RT represented that it had preserved due impartiality across its service by, for example, broadcasting other significant viewpoints in its news bulletins (for example by broadcasting live the Prime Minister's statements to the House of Commons on the Skripal poisoning). Furthermore, RT told us that they had preserved due impartiality by presenting different views in programmes adgeisent to those under investigations.

However, Ofcom considered that a television services such as RT cannot preserve due impartiality by relying on what is broadcast across their service as a whole. Furthermore, to the extent that it wants to fulfil its due impartiality requirements through a series of programmes , it must take steps to ensure that the programmes are "clearly linked" – this is because otherwise it would not be guaranteed that a person watching one programme would watch an adjacent one.

In summary, we found that RT was in breach of rules 5.11 and 5.12 of the Broadcasting Code and, consistently with our powers, we issued a £200,000 fine and directed RT to broadcast our finding.

CGTN – Breaches of Rules 5.1, 5.11 and 5.12

- CGTN is "the international English language news channel of China Media Group, China's public broadcaster on television and radio".
- CGTN aims to offer "a distinct alternative to the international information flow" and inform audiences of the Chinese perspective. Audiences likely to have different expectations of this service.
- Breaches were of material broadcast August - November 2019 in five news programmes reporting on Hong Kong protests.
- The protests were initially in response to the Hong Kong Government's Extradition Law Amendment Bill that would have allowed criminal suspects in Hong Kong to be sent to mainland China for trial.
- Series of breaches was considered serious and resulted in the imposition of a sanction with a financial penalty of £125,000 (in March 2021).



CGTN - Breaches of Rules 5.1, 5.11 and 5.12

Rules 5.11 and 5.12

- Coverage of the protests was agreed to be a "major matter" as they were the subject of political debate and political controversy both in the UK and internationally, and of significant global significance.

Rule 5.11 - impartiality can be maintained through linked programmes

- CGTN argued that the view of the protestors had been presented in some other news broadcasts.
- However, these programmes were not explicitly linked. There was no signposting to viewers that an alternative view would be presented.

Rule 5.12 - there must be an appropriately wide range of significant views, and they must be given "due weight"

Do we expect different levels of due impartiality in different circumstances?

Ofcom places particular weight on the need for news to be reported with due impartiality. In addition, the Act also places greater obligations on broadcasters when television or national radio broadcasters are dealing with matters of major political or industrial controversy and major matters relating to current public policy:

- What constitutes a “major” matter will vary according to events, but generally they will be of national, and often international, importance, or are of similar significance within a smaller broadcast area.
- Rule 5.12 states that in dealing with such matters broadcasters must include an appropriately wide range of significant views and give due weight to them in each programme or in clearly linked and timely programmes. “*Significant views*” could include the viewpoint of nation states.
- As part of treating viewpoints with “*due weight*” a broadcaster may debate and discuss such views. However, broadcasters must not dismiss or denigrate such viewpoints and include them in a programme simply as a means to put forward their own views.

Due impartiality in news

News coverage of Hong Kong protests, CCTV News, 30 September to 3 October 2014

- We investigated four news bulletins that covered the pro-democracy demonstrations taking place in Hong Kong in late September/early October 2014.

- We investigated under the following rules:

-Rule 5.1: "*News, in whatever form, must be reported with due accuracy and presented with due impartiality*".

-Rule 5.11: "*...due impartiality must be preserved on matters of major political and industrial controversy and major matters relating to current public policy by the person providing a service...in each programme or in clearly linked and timely programmes*".

-Rule 5.12: "*In dealing with matters of major political and industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. Views and facts must not be misrepresented*".

CCTV News – Our decision

"We noted that there were a number of statements that could be reasonably classed as directly critical of the pro-democracy protesters".

"[There were also comments that] were not directly dealing with the issues that the demonstrators were protesting about, namely democratic reform in Hong Kong. [However] we considered all these comments to be implicitly critical of the Occupy Central and student protest movements. As such, we considered the issue of the extent to which the demonstrations were impacting on life in Hong Kong would have been a matter on which the pro-democracy Occupy Central and student protest movements would have been likely to have had a view, but their view was not reflected".

"Across the four news bulletins broadcast between 30 September 2014 and 3 October 2014, Ofcom noted there were some statements that could be said to be partially consistent with the stated aims of the pro-democracy Occupy Central and student protest movements, namely the introduction of universal suffrage to Hong Kong. However, in our opinion these were not sufficient to balance the many other viewpoints within these news bulletins criticising (some seriously so), the actions, aims and motives of the pro-democracy Occupy Central and student protest movements".

Due impartiality on matters of major political or industrial controversy and major matters relating to current public policy

Comment and *The Real Deal*, Press TV, various dates January 2009

- These two programmes, presented by George Galloway, dealt with the Israeli 22 day incursion into Gaza in January 2009. In *Comment*, viewers were able to contribute to the programme by telephone, email and SMS text.

- We investigated under the following rules:

-Rule 5.11: "...*due impartiality must be preserved on matters of major political and industrial controversy and major matters relating to current public policy by the person providing a service...in each programme or in clearly linked and timely programmes*".

-Rule 5.12: "*In dealing with matters of major political and industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. Views and facts must not be misrepresented*".

Press TV – Our decision

“The overwhelming majority of the content of the programmes were from a pro-Palestinian point of view and were highly critical of Israeli policy. The presenter spoke from an entirely pro-Palestinian point of view. There was not one telephone call from a pro-Israeli position in any of the programmes and only the most limited and short text or email messages from viewers from a pro-Israeli position”.

“Ofcom considered that Press TV had not directed Ofcom to how the broadcaster had ensured there had been an ‘appropriately wide range of significant [Ofcom’s emphasis] views’ included in the editions of Comment, or in clearly-linked or timely programmes. As such, the viewpoint of the Israeli state was not adequately represented within any of the editions of Comment”.

“[The broadcaster] failed to give ‘due weight’ to alternative views. Further, the broadcaster failed to engage or debate with such points of view which were contrary to the programme’s own position. Rather, Ofcom considered that George Galloway used such opinions contrary to his own, only as vehicles to punctuate what could be classed as a form of on-going political polemic, delivered by the presenter directly to camera and unchallenged”.

Due impartiality on matters of major political or industrial controversy and major matters relating to current public policy

Hannity, Fox News, 2, 5 and 6 August 2016

- These three programmes dealt with 2016 US Presidential election and the campaigns of Donald Trump and Hillary Clinton..

- We investigated under the following rules:

-Rule 6.1: "*The rules in Section Five, in particular the rules relating to matters of major political or industrial controversy and major matters relating to current public policy, apply to the coverage of elections and referendums*"

-Rule 5.11: "*...due impartiality must be preserved on matters of major political and industrial controversy and major matters relating to current public policy by the person providing a service...in each programme or in clearly linked and timely programmes*".

-Rule 5.12: "*In dealing with matters of major political and industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. Views and facts must not be misrepresented*".

Fox News – Our decision

"[The programmes] included a number of highly critical statements...relating to Hillary Clinton's (and the Democratic Party's) policy platform and past political actions, and Hillary Clinton's personality and temperament...the programmes included various statements that could be described as supporting the policies of Donald Trump".

"We considered that the different clips of Hillary Clinton featured in the programmes were not treated with 'due weight' in the context of Rule 5.12. This was because the views expressed by Hillary Clinton were being dismissed and denigrated in a manner so as to support the viewpoints of, for example, the presenter Sean Hannity and guest presenter, Mike Huckabee, which were clearly highly critical of Hillary Clinton. By contrast, the various video clips of Donald Trump that were shown in the programmes were typically used as a basis for discussions in which various programme contributors typically voiced their support for what Donald Trump had said, and in particular his criticisms of Hillary Clinton".