

Independent Complaints Review Panel

Report on Complaint re Foreign Correspondent segment, Estonia - Sex Tours, 12.7.06

The complainant took exception to the above program segment. She complained to the ABC that it contained factual inaccuracy and that the facts were "distorted....to a dangerous degree" by "grave omissions". It was unbalanced in that it provided an "extremely one-sided" view of the life and culture of Estonia.

The program, which the Panel has viewed and considered, was, basically, a report on a "stag holiday" in Tallinn of a group of men from England. It included interviews with some of the men, a female member of the Estonian parliament, and also a former sex worker. In the interview these latter persons spoke in Russian not Estonian. The complainant was offended by the use of "the language of a foreign power that occupied and oppressed us for more than 50 years." She also complained that there was no mention of the fact that the sex industry in Estonia was "in the main known to be controlled by Russian criminal elements". Although she, at first, considered that the member of parliament was a Russian, resident in Estonia, she accepted, after receiving more information, that, although of Russian descent, she was "considered a loyal Estonian citizen."

Nevertheless, she complained that the interview should not have been conducted in Russian as most viewers would have been misled into believing that Estonian was being spoken. At least, an explanation should have been provided in the program as to why Russian was being used. The fact that the reporter had greater facility in that language, as explained to her by the ABC, should have been made clear to the viewers of the broadcast.

The complainant also took exception to the program's assertion that Estonia was "one of the poorest countries in Europe", which, she said, was demonstrably untrue.

The complainant has been dissatisfied by the responses to her complaint by ABC Audience and Consumer Affairs (ACA) and also by the Complaints Review Executive (CRE). On 3 November 2006 she sought review of her complaint by this Panel. In her application for review, she complained that "in the program Estonia was gravely misrepresented as an ailing, third world country that was only too eager to promote distasteful sex tours to help with their miserable economy" and that it was "doing all it can to earn money from foreign yahoos".

She attached the email correspondence which had passed between her and the ABC, as well as a recent "*Times*" (Europe) article which (inter alia) said that the Estonian economy "once a basket case, is now one of Europe's most dynamic, racing along at a 12 percent growth clip – faster than China".

The Panel has considered all of this material, together with the responses of the ACA and CRE, and the ABC's response to this complaint

Relevant Provisions of the ABC's Editorial Policies and Code of Practice:

The Foreign Correspondent program is in the category of "news and current affairs". Accordingly, the following provisions of the ABC Editorial Policy apply to it.

Section 5.1.3: "Every reasonable effort must be made to ensure that the factual content of news and current affairs programs is accurate and in context. Demonstrable errors will be corrected in a timely manner and in a form most suited to the circumstances."

Section 5.1.4: "Balance will be sought through the presentation, as far as possible, of principal relevant viewpoints on matters of importance. This requirement may not always be reached within a single program or news bulletin but will be achieved as soon as possible."

Section 5.1.5: "The commitment to balance and impartiality requires editorial staff to present a wide range of perspectives and not unduly favour one over the others. But it does not require them to be unquestioning, nor to give all sides of an issue the same amount of time. News values and news judgements are a material consideration in reaching decisions, consistent with these standards." Also, Sections 4.1 and 4.2 of the ABC's Code of Practice are of similar import.

Section 4.1: "Every reasonable effort must be made to ensure that the factual content of news, current affairs and information programs is accurate. Demonstrable errors will be corrected in a timely manner and in a form most suited to the circumstances."

Section 4.2: "Every reasonable effort must be made to ensure that programs are balanced and impartial. The commitment to balance and impartiality requires that editorial staff present a wide range of perspectives and not unduly favour one over the others. But it does not require them to be unquestioning, nor to give all sides of an issue the same amount of time."

Discussion

The complaint raises two main questions:

- a) was the program unbalanced and lacking in impartiality and
- b) did it contain factual inaccuracy, not appropriately corrected in a timely manner?

- (a) Balance and Impartiality

In the Panel's view this question must be considered in relation to the obvious scope and main thrust of the program. As already indicated, it focused on a particular "stag party" of a group of male tourists and involved some discussion of the sex industry in Estonia and the use being made of it by tourists.

It did not purport to be a consideration in depth or even an overview of the Estonian economy and culture. Nor did it purport to be an investigation of the continuing role and influence of Russians in the country and, in particular, in its sex industry, including the attitude of ordinary Estonian citizens to the industry and Russian involvement in it. Had this been so, there would have been some basis for a finding of imbalance.

The Panel also notes that there were, in any event, some balancing factors in the program. Concerns about the program conveying an impression of a country 'only too eager to promote distasteful sex tours' are ameliorated by the parliamentarian Nelli Kalikova's criticism of the behaviour of the sex tourists and her comments like: 'hooliganism rarely seen amongst locals'. Additionally, the contextualising of the depiction of the industry and Estonia by the reporter's voice over which contrasts their behaviour with the 'reserved and modest Estonians' presents an alternative aspect'. That some of the tourists themselves are shown to have ambivalent attitudes serves to further balance the coverage. Also, it is accepted by the complainant that the use of Russian language in the interviews had no effect upon their content. Moreover, very few viewers in Australia could have been aware that the Estonian language was not being used and could not, therefore, have formed any impression that the use of Russian was some kind of "put down" of Estonia.

The Panel is satisfied that there was no suggestion in the report that sex tourists were encouraged or welcomed by the broader Estonian population.

The Panel is satisfied that the complaint of imbalance and lack of impartiality should not be upheld.

(b) Factual Inaccuracy

The complaint, in this regard, related to the alleged assertion in the program that Estonia was "one of the poorest countries in Europe". The comment by the reporter was, in fact, that "Estonia is one of the poorest countries in the EU and one third of its citizens live in poverty". The ABC has accepted that this comment was inaccurate, in the following portion of its submission:

"This reference was based on interviews conducted by Emma Griffiths with Ms Nelli Kalikova, a parliamentarian who is a member of the parliament's social affairs Committee and Ms Sirle Blumberg, the Director of Estonia's AIDS Prevention Centre. Both contended that about a third of Estonian citizens live in circumstances that justify the description of poverty. On review, the ABC believes that the reference to "one third of Estonians living in poverty" should have been more clearly presented as the understanding of Ms Kalikova and Ms Blumberg rather than being presented as unqualified fact."

The ABC also accepts that it was appropriate for this error to have been corrected by an Editor's Note to the program transcript on the website but that this correction was not made "in a timely manner".

In its submission, the ABC, whilst pointing to a recent study which supported the statement that one third of Estonian citizens lived in poverty, stated "Nevertheless, in relation to the specific language used in the program, the ABC acknowledges that the report did not adhere to the requirements of Section 4.1 of the Code of Practice. The ABC regrets this, and has written to (the complainant) to apologise for this lack of precision and an Editor's Note will also be added to the program transcript on the website."

Conclusion

The Panel finds that the breach thus referred to, has occurred in the program broadcast. However, it is satisfied that the program did not inaccurately portray Estonia as a "an ailing third world country that was only too eager to promote distasteful sex tours to help with their miserable economy".

Recommendation

If this has not already occurred, the Panel recommends that the ABC should write to the complainant apologising in the same terms as in its letters sent to the persons who had complained to ACMA.

Michael L Foster QC
Convenor
Independent Complaints Review Panel

15 February 2007