



Editorial Complaints Unit

Chachipe a.s.b.l
B.p. 97
L-7201 Walferdange
Email: chachipe.info@gmail.com

Ref: CT/1000006

29 January 2010

Dear Mr Haliti and Ms Waringo

This World, BBC2, 26 August 2009

Thank you for your email of 17 January and the additional comments and clarifications you provided about your complaint. I am now writing as promised to let you know the outcome of my investigation. I have watched the programme, considered all the relevant correspondence and spoken at length with the programme-makers. I have also carried out some additional research into the points you have raised.

As a result of your most recent email, I have amended the summary of your complaint which I provided on 7 January to reflect the further comments you have made. I hope I have accurately captured the essential points of concern and considered them against the relevant sections of the BBC's Editorial Guidelines. I have also borne in mind the detailed comments you made against the transcript of the programme but I hope you will understand if I try to address the broad points you are making in my response rather than addressing each individual point in turn.

I am sorry you found much of the programme to be offensive and negative about the Roma community. However, as you know, the remit of the Editorial Complaints Unit is to consider whether anything broadcast in the programme amounted to a serious breach of the standards set out in the BBC's Editorial Guidelines. I therefore propose to consider your complaint against the relevant sections of the guidelines, taking each head of complaint in turn. I hope that is acceptable.

Harm and Offence:

- 1. The programme perpetuated a negative stereotype of the Roma community and its culture. It gave the negative and harmful impression that begging, stealing and the exploitation of children are part of that culture and that this prevents people integrating into society. This was not offset by the portrayal of Roma as victims of racism and discrimination.**

I would like to begin by saying I recognise your concerns that a programme of this kind could reinforce a negative image that some people may have about a particular section of the population, especially one which has suffered repression and discrimination in the past. However, I don't believe that looking at a specific criminal problem within a specific group can be regarded as perpetuating a negative stereotype per se. There is a clear difference between investigating the cause and effect of criminality in a particular group on the basis of sound evidence, and suggesting that an ethnic group is inherently prone to committing crime. If there is prima facie evidence to support an allegation about a particular group, then it may well be editorially justified to report such allegations. For example, it might be perfectly justified to carry out an investigation into the prevalence of gun crime among black youths in the UK, because this is recognised as a serious issue by both the authorities and many within the black community.

The investigation undertaken by **This World** was based on lengthy research and compelling evidence that the Roma community across Europe is highly marginalised and faces significant social issues as a result, one of which is involvement in certain types of crime. For example, police forces across Europe have recently begun collaborating to tackle the issue of Roma gangs trafficking children¹; the programme-makers spoke to police forces, social workers and NGOs in various countries who all confirmed that in their opinion, child crime and serious organised crime are widespread within the Romanian Roma community; the chairman of the UK All Party Committee on the Trafficking of Women and Children, Anthony Steen MP, has raised the issue in the House of Commons; and the issue of street theft by children in Madrid was brought to the attention of the programme-makers by a Gypsy rights activist who has lobbied the Spanish and Romanian authorities because of her concerns about the problem.

It seems to me that there was sufficient evidence to justify an investigation into the growing problem of street theft by Romanian Gypsy children and the role of organised criminals. As you know, the Editorial Guidelines on Harm and Offence say that the BBC aims to reflect the world as it is, including all aspects of the human experience. I take this to mean that it can be acceptable to broadcast challenging content which touches upon sensitive or controversial issues. The guidelines make it clear that there must be a "*clear editorial purpose*" and I believe that the evidence uncovered by the programme-makers provided that editorial purpose. This was, undoubtedly, a controversial subject to tackle but that doesn't mean that a programme like **This World**, with a long standing reputation for investigating contentious issues, should shy away from reporting it.

However, I accept that the programme did have the potential to reinforce a negative stereotype of Gypsy criminality and culture, and so I have paid particular attention to the way the issue was presented in reaching a judgement on your complaint. There's obviously an element of subjectivity in any assessment but having watched the programme, I have to say that I didn't get the impression that it was as negative as you suggest. It seems to me that the programme went to considerable lengths to put the issue of child crime in context and offer an explanation for the problems faced by

¹ <http://www.crimereduction.homeoffice.gov.uk/humantrafficking004b.pdf> (page 14)
<http://www.thisislondon.co.uk/standard/article-23559535-met-teams-up-with-romania-in-fight-against-child-trafficking.do>

Roma which went beyond a simple cultural stereotype. I noted that the very first script line of the programme highlighted the problem of poverty, social exclusion and racism faced by the Roma community:

Across Europe thousands of children are being forced onto the streets to beg and steal. They come from the poorest community in Europe – the Romanian Gypsies. For centuries they've lived on the margins of society and faced brutal discrimination. Many have resorted to begging and stealing to survive. But in the last 20 years, organised crime has taken over. And since 2007, when Romania joined the EU, Gypsy children have been trafficked and exploited on a massive scale.

The reporter went on to say:

To investigate what's happening to these children, I'm going on a journey that will take me inside the closed world of the Gypsy community.

Actuality: This child needs to go to school, not to beg and to steal.

And will reveal the shocking tide of racism they face.

Actuality: They are people who should be killed but we can't kill them.

These children are the victims of a culture of crime and a wider society that seems to have abandoned them. The question is: will anyone save them from the hands of their exploiters?

I imagine viewers would have taken such comments as evidence of the difficulties faced by the Roma community and recognised that there are genuine reasons why some members of the community have resorted to crime (to the extent that for some it is the only option to survive). The Editorial Guidelines on Portrayal say “*Content may reflect the prejudice and disadvantage which exists in our society but we should not perpetuate it*”. I accept that some of the contributors (see quote above) may have expressed their prejudice against Roma Gypsies, but I believe that reflected such views rather than perpetuating any prejudice. On balance I believe the programme contained enough context and explanation to ensure viewers understood the causes behind the widespread street crime.

- 2. The word Gypsy was used throughout. This is considered offensive by many Roma and is similar to the use of a word such as “negroes” to describe people of African origin. The programme frequently used the phrase “Gypsy crime” which perpetuates a negative impression by using language commonly employed by neo-fascist groups in their attacks on Roma.**

It may be that some Roma find the use of Gypsy to be offensive. However, my research suggests that Gypsy is a term which is used by many international bodies such as the Council of Europe², as well as human rights organisations such as

² http://www.coe.int/t/dg4/education/roma/Source/Mediators_EN.pdf

Amnesty International.³ It appears to be frequently regarded as interchangeable with Roma. In the case of “Gypsy crime”, I am afraid I can’t agree that viewers would have necessarily drawn a negative impression because this is phrase also used by neo-fascist groups. In the context of the programme, I imagine most viewers would have understood it to refer to crime attributed to Gypsies rather than carrying any particular negative connotation allied to the views of neo-fascists.

3. The reporting was “sensational” and the techniques used in the programme, such as undercover filming, are associated with programmes reporting on “heavy criminals” and so this contributed to the negative impression given.

The programme-makers have said that they would have been unable to obtain evidence of children stealing without using surveillance techniques and secret filming. They also pointed out that by using such techniques they were able to show that children “rescued” by the police in Milan subsequently returned to the streets and continued stealing. This seems to be a reasonable argument to me. The Editorial Guidelines say secret filming must be justified by a clear public interest and, in this case, I think gathering evidence of the extent of street crime by Roma children (which could not have been gathered overtly) was a sufficient justification.

4. The report gave a negative impression of the entire Roma community based on only a few examples. The programme made generalised statements based on individual comments and examples.

The programme-makers have explained that their research led them to conclude that child crime managed by organised traffickers is widespread within the Roma community. This was based on extensive interviews with the Romanian Roma community, evidence from European police forces, conversations with NGOs and social workers and extensive filming and on camera interviews. The programme-makers believe the evidence they gathered justified the general conclusion that many Gypsies have resorted to (or are forced into) begging and stealing, and this is due in large part to the social exclusion they face and the exploitation by child traffickers.

I have to say that I think it is reasonable for programme-makers to reach such a conclusion provided it is based on sound evidence and they have weighed all the material facts. In this case, there does appear to be sufficient evidence, based on information gathered first hand and from interviews with informed experts, to show the extent of the crime problem. I accept that may give the impression that many in the Roma community are involved in crime, but if the facts support that impression, then I cannot conclude that the programme was in breach of the Harm and Offence guidelines. It seems to me that there was a clear editorial purpose in broadcasting the material, namely to highlight the extent of a deep and growing problem which is recognised by both the authorities and many within the Roma community.

I also believe that viewers understand that examples included in documentaries such as this one are intended to illustrate wider issues and themes. So long as the programme-makers are objective and even-handed in their approach to the subject (a

³ <http://www.amnesty.org.uk/content.asp?CategoryID=11645>

point I will return to in more detail in due course), and the evidence they have supports the impression given by the programme, then I believe it is reasonable to include individual examples and use them to illustrate more generalised points. In this case, it is true the programme showed Roma children involved in street crime and interviewed police officers who regard such crime as a growing problem. However, as I have explained, it also offered a number of explanations (social exclusion, poverty, the influence of organised crime) and interviewed a number of experts who tried to put the plight of the Roma community into context. For example, the programme included contributions from the Madrid Institute for Children and Family, the Cassa della Carita charity in Milan and one of the leaders of an organised crime gang.

Accuracy:

- 1. The programme based its conclusions on cases in Madrid and Milan, which were tied to criminal networks in Craiova. There was no overall analysis of the causes of child exploitation by organised crime. It is not clear if organised crime is responsible for all the actions shown in the film or if poverty is the cause of adults and children begging.**

As I have explained above, the programme gathered extensive evidence and spoke to a number of informed experts about crime and begging and the possible causes. The Editorial Guidelines on Accuracy say:

Our output must be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We should be honest and open about what we don't know and avoid unfounded speculation. For the BBC accuracy is more important than speed and it is often more than a question of getting the facts right. All the relevant facts and information should be weighed to get at the truth. If an issue is controversial, relevant opinions as well as facts may need to be considered.

Bearing this in mind, I think it was reasonable for the programme to focus on two cities (Madrid and Milan) to illustrate a problem which is recognised as widespread across much of Europe. The reporter made it clear that both cities had a particular issue and illustrated this with extensive footage of children involved in crime, and footage of the camps in which many live. The programme also visited Romania to talk to the victims of exploitation and a gang leader in order to offer some insight into the causes of Gypsy exploitation.

You have suggested that the programme did not explain whether the cause of the problem was organised crime or poverty, but it seems to me that the programme made it clear that both of these were factors. At one point, the reporter asked “*What is to blame for their lost childhood? Is it the extreme poverty, is it the Romani culture or is it the ruthless criminal exploitation?*” Throughout, the programme referred to Romanian Gypsies as “*the poorest community in Europe*”, described them as living on “*the margins of society*” in “*plywood shacks ... [with] no sanitation, no running water*”. The programme included interviews with members of the community who admitted that stealing was the only way to make any money. Later, it investigated the role of organised criminals, finding children who had been kept locked up by a gang

who were subsequently found guilty of enslaving children. I therefore do not believe the programme was inaccurate or misleading in this respect.

- 2. There was no scientific or objective evidence to support the allegations of child trafficking which are attributed to the Roma community. It relied on police sources. The language used was vague and unsupported eg frequent use of the word “many”. There was no contribution from NGO representatives. Reports by international organisations were omitted which would have put the situation in Italy in a different light.**

The programme gathered first hand information from the police, those who claimed to be involved in trafficking and those who claimed to be victims of such trafficking. It quoted reliable police sources in Madrid and Milan. Data gathered by the police in Milan, for example, showed that there was an organised structure to the trafficking gangs, often based on family groups. It carried out additional background research with groups who were not included in the programme, for example, a police team in the UK investigating a Gypsy child trafficking network based in one small Romanian town which the police believe may be the largest people trafficking ring in Europe. The programme-makers were also informed by numerous court cases and prosecutions across Europe involving members of the Roma community found guilty of child trafficking. It also appears that many organisations, including a UK parliamentary committee, UNICEF, the International Labour Organisation⁴ and the Council of Europe, have addressed this specific problem.

I also think it is worth pointing out that the programme did not say that all trafficking was carried out by Roma, but there was evidence that the community was involved in some cases. Although you say that the programme did not contain a contribution from any NGOs, there was an extensive section with an Italian charity in Milan. One of its workers gave her view about child trafficking as follows:

The right wing says that Romani Gypsies are just people that exploit their children and women for stealing for begging and maybe there is a bit of a truth in this. But the real problem is that some of the Gypsies actually beg and steal because that's the only chance that they have for surviving.

Bearing these points in mind, I do not believe the programme contained any material errors or gave a misleading impression on this point.

- 3. The reporter, Liviu Tipurita, blamed the Roma community for “the rise of neo-fascist groups and the strengthening of anti-Gypsyism”. This was inaccurate and misleading.**

As far as I can establish, there was no mention of neo-fascist groups in the film. It did speak to some members of Lega Nord, a right wing political party in Italy, which believes it has gained support for its open opposition to Gypsies, but it also included a balancing contribution from Cassa della Carita (see Point 2 above). I therefore do not believe that the programme gave a misleading impression about anti-Gypsy feeling in Italy in particular. The fact is that some politicians, such as the Deputy Mayor of

⁴ <http://www.ilo.org/Search3/search.do>

Milan, who was featured in the programme, have made political capital from an overt campaign against Gypsies and their camps.

Impartiality and Diversity of Opinion:

- 1. The programme was not balanced. It defined “its subject on an ethnic basis and traced its roots within a particular ethnic community”. “No consideration was given to the conditions which force Roma, adults and children, into poverty and marginalisation”.**

I have already explained that the programme gave extensive coverage to the potential causes behind the rise in child crime and begging among the Roma communities across Europe. This was summarised at the start by the reporter (see above) and reinforced by visits to Gypsy sites in Milan and Madrid. There were interviews with members of the Roma community who gave their explanation for their plight. The Editorial Guidelines on Achieving Impartiality say:

Impartiality is described in the Agreement (accompanying the BBC’s Charter) as “due impartiality”. It requires us to be fair and open minded when examining the evidence and weighing all the material facts, as well as being objective and even handed in our approach to a subject. It does not require the representation of every argument or facet of every argument on every occasion or an equal division of time for each view.

I think this makes it clear that a documentary such as **This World** must examine all the material facts and provide an objective and even handed approach. In this case, there was evidence, as mentioned above, that theft by Roma children was a growing problem in many European cities. The programme was, in my view, entitled to draw attention to this fact. In my opinion, it achieved the necessary due impartiality by including a wide range of contributions expressing a range of different views and opinions. It seems to me to be reasonable to highlight a controversial issue, such as child crime by a particular section of society, provided that a range of relevant views and opinions are included, as I believe was the case here.

- 2. The depiction of people living in “appalling living conditions” could have added to a negative impression and was not even-handed.**

As explained above, I believe it was reasonable to accurately portray the conditions in which many Gypsies live while also offering an insight into why people are forced to live in such conditions, and the possible consequences. It may be that this would give a negative impression to some viewers but I cannot agree that the programme was not even handed in the way it presented the facts.

- 3. The personal views of the reporter “permeated the entire report”.**

The Editorial Guidelines say:

Our journalists and presenters, including those in news and current affairs, may provide professional judgments but may not express personal opinions on matters of public policy or political or industrial controversy. Our audiences

should not be able to tell from BBC programmes or other BBC output the personal views of our journalists and presenters on such matters.

I think that makes it clear that reporters can provide analysis and offer their own observations, provided these are based on their professional expertise and experience. In this case, Liviu Tipurita has worked extensively among the Roma community and has considerable experience of the issues they face. He carried out extensive research, conducted numerous interviews and filmed at length over many weeks. I have watched the programme a number of times and, on balance, I am not persuaded by your argument that Mr Tipurita's comments were evidence of a lack of due impartiality. To take one of the examples you have mentioned, you say that when Mr Tipurita said "*Only this tough approach can break the cycle of child exploitation common in the Romanian Gypsy culture*" (transcript timecode 10.46.12) he was making a moral statement, and failing to separate fact from opinion. My impression was that Mr Tipurita was making a professional judgement informed by the evidence he had gathered and the people he had spoken to. I imagine most viewers would have understood that he was expressing an opinion rather than stating it as fact.

4. The programme based its findings on statistics provided by the police and did not speak to NGOs or community representatives. It did not provide an objective or impartial report of the Roma community but highlighted elements such as difficult living conditions.

I believe I have responded to the substantive point you are making in Point 1 (Accuracy) and Point 2 (Impartiality) above. However, for the sake of clarity, I would like to make one additional point. The Editorial Guidelines on Impartiality say:

We exercise our editorial freedom to produce content about any subject, at any point on the spectrum of debate as long as there are good editorial reasons for doing so.

I take that to mean that programme-makers can choose to report on a specific issue (in this case rising crime by Roma children) provided the coverage on that issue is balanced and even handed. It is not necessary to reflect issues or points of view which touch only indirectly on the subject matter in hand.

5. Contributors were allowed to express "overtly racist views which were not challenged in a serious way".

In a controversial issue such as this, I think it is reasonable for a programme to reflect a range of views and opinions. The Editorial Guidelines include a section on such controversial subjects which makes this clear:

We must ensure a wide range of significant views and perspectives are given due weight in the period during which a controversial subject is active. Opinion should be clearly distinguished from fact.

In the case of this programme, I accept that there were some contributors, such as the police chief and Deputy Mayor of Milan, who did express opinions which some viewers might find offensive. However, in providing a balanced and even handed

approach to a subject, I believe it was editorially justified to include such opinions. For example, the reaction of Deputy Mayor De Corato would have given viewers a better idea of the kind of prejudice which the Roma community faces. However, I don't accept that such views were presented without challenge or context. In the case of Riccardo De Corato, the programme said "*De Corato expresses opinions that would be unthinkable for politicians in most European countries*" and the following sequence showed Gypsies being forcibly evicted from a makeshift camp by the police and included a comment from one resident saying "*This is not right. We are not dogs, we are not animals, we are human beings too*".

Children:

- 1. Children were interviewed without parental consent. They were made to comment on issues which might be detrimental to them or their parents. The rights of the children included in the film were violated as a result.**

The BBC has clear guidelines designed to protect the physical and emotional welfare of children who take part in programmes. This includes ensuring that children are not caused unnecessary anxiety or distress by their involvement in a programme and their involvement is editorially justified. In a programme such as this, programme-makers obviously have to exercise great care when filming and interviewing children who might be involved in crime, but might equally be at risk from speaking out about their actions. You have suggested that the children who were interviewed in the programme, specifically in the Madrid camp and at the Milan charity, were interviewed without parental consent and this was in breach of the Editorial Guidelines. You are right that the guidelines say "*We should normally seek the consent of parents... before interviewing children or young people*". However, the guidelines go on to say "*Any decision to proceed without parental consent is normally only editorially justified on the basis of a clear public interest or the freedom of the child or young person to express themselves, including their right to speak out*". In this case, I think there was a clear editorial justification in hearing directly from the children involved in street crime. In Madrid, it seems to me that the children were well aware of the questions they were being asked and spoke openly about their activities and so I cannot conclude that they were exposed to undue stress or anxiety. In Milan, the children were interviewed under the supervision of the charity workers, who I think can be regarded as "in loco parentis" in such circumstances. The nature of the interview was appropriately gentle in my view and although I accept that the children appeared vulnerable, I do not believe there is evidence that they suffered unnecessary distress.

- 2. It was not justified to use secret filming to film children.**

The Editorial Guidelines on Secret Filming say it must be justified by a clear public interest and should only be used as follows:

As an investigative tool to expose issues of public interest where:

- o there is clear existing documentary or other evidence of such behaviour or of an intention to commit an offence.*
- o it can be shown that an open approach would be unlikely to succeed.*
- o the recording is necessary for evidential purposes.*

In my opinion, there was a clear public interest in investigating the increase in child crime among the Roma community and I believe that all three of the conditions were met to justify the use of secret filming.

Fairness, Contributors and Consent:

- 1. The programme did not make contributors, including parents and children, fully aware of the nature of the programme or the way they would be presented.**

I have spoken to the programme-makers about the way the programme was described to potential contributors and they have assured me that it was made clear that it was about the rise in child crime in the Roma community and the possible causes and consequences of this. In the absence of any evidence that this was not the case, I am afraid I am unable to conclude that contributors were not treated fairly.

In conclusion, I am afraid I do not believe there are grounds to uphold your various complaints about this programme. I appreciate that it raised some controversial and sensitive issues and showed the Roma community in a frequently negative light, but I believe the allegations in the programme were supported by the facts and there was a clear editorial purpose in reporting serious and widespread criminal behaviour. On balance, I believe that any offence which was caused was justified in the public interest.

Although I do not feel able to uphold your complaint on this occasion I hope I have been able to go at least some way to addressing your concerns. Nevertheless, if you are not satisfied with my decision I would be happy to consider any additional points you might wish to make. You can also ask the Editorial Standards Committee of the BBC Trust to review my finding. Correspondence for the Committee should be addressed to its Secretary, Bruce Vander, at the BBC Trust Unit, 180 Great Portland Street, London W1W 5QZ or by email to trust.editorial@bbc.co.uk. The Trust normally expects to receive an appeal within four weeks of the date of this letter, or of any subsequent correspondence between us.

Yours sincerely



Colin Tregear
Complaints Director