

OFCOM BROADCAST AND ON DEMAND BULLETIN

Issue number 357
2 July 2018



Contents

Introduction	3
Broadcast Standards cases	
In Breach	
Rob Jones Show <i>Time 107.5, 13 March 2018, 20:35</i>	6
Point of View <i>Channel 44, 4 and 11 December 2017, 17:00</i>	8
Suddenly It's Spring <i>That's Oxford, 17 March 2018, 11:20</i>	23
35 minutes <i>Abu Dhabi Channel, 5 February 2018, 00:35</i>	26
North East Live <i>Made in Tyne and Wear, 30 March 2018, 18:20</i>	36
Indian Law <i>KTV, 14 January 2018, 19:30</i>	39
Advertising minutage <i>FreeSports, various dates and times between 14 March 2018 and 23 April 2018</i>	43
Resolved	
Mid Mornings <i>Talk Radio, 8 March 2018, 10:00</i>	45
Broadcast Licence Conditions cases	
Resolved	
Provision of information: Local TV annual returns data <i>Various licensees</i>	49
Tables of cases	
Investigations Not in Breach	51
Complaints assessed, not investigated	52
Complaints outside of remit	59

BBC First	60
Investigations List	62

Introduction

Under the Communications Act 2003 ("the Act"), Ofcom has a duty to set standards for broadcast content to secure the standards objectives¹. Ofcom also has a duty to ensure that On Demand Programme Services ("ODPS") comply with certain standards requirements set out in the Act².

Ofcom reflects these requirements in its codes and rules. The Broadcast and On Demand Bulletin reports on the outcome of Ofcom's investigations into alleged breaches of its codes and rules, as well as conditions with which broadcasters licensed by Ofcom are required to comply. The codes and rules include:

- a) [Ofcom's Broadcasting Code](#) ("the Code") for content broadcast on television and radio services licensed by Ofcom, and for content on the BBC's licence fee funded television, radio and on demand services.
- b) the [Code on the Scheduling of Television Advertising](#) ("COSTA"), containing rules on how much advertising and teleshopping may be scheduled on commercial television, how many breaks are allowed and when they may be taken.
- c) certain sections of the [BCAP Code: the UK Code of Broadcast Advertising](#), for which Ofcom retains regulatory responsibility for television and radio services. These include:
 - the prohibition on 'political' advertising;
 - 'participation TV' advertising, e.g. long-form advertising predicated on premium rate telephone services – notably chat (including 'adult' chat), 'psychic' readings and dedicated quiz TV (Call TV quiz services); and
 - gambling, dating and 'message board' material where these are broadcast as advertising³.
- d) other conditions with which Ofcom licensed services must comply, such as requirements to pay fees and submit information required for Ofcom to carry out its statutory duties. Further information can be found on Ofcom's website for [television](#) and [radio](#) licences.
- e) Ofcom's [Statutory Rules and Non-Binding Guidance for Providers of On-Demand Programme Services](#) for editorial content on ODPS (apart from BBC ODPS). Ofcom considers sanctions for advertising content on ODPS referred to it by the Advertising Standards Authority ("ASA"), the co-regulator of ODPS for advertising, or may do so as a concurrent regulator.

[Other codes and requirements](#) may also apply to broadcasters, depending on their circumstances. These include the requirements in the BBC Agreement, the Code on Television Access Services (which sets out how much subtitling, signing and audio description relevant licensees must provide), the Code on Electronic Programme Guides, the Code on Listed Events, and the Cross Promotion Code.

¹ The relevant legislation is set out in detail in Annex 1 of the Code.

² The relevant legislation can be found at Part 4A of the Act.

³ BCAP and ASA continue to regulate conventional teleshopping content and spot advertising for these types of services where it is permitted. Ofcom remains responsible for statutory sanctions in all advertising cases.

It is Ofcom's policy to describe fully television, radio and on demand content. Some of the language and descriptions used in Ofcom's Broadcast and On Demand Bulletin may therefore cause offence.

Broadcast Standards cases

In Breach

Rob Jones Show

Time 107.5, 13 March 2018, 20:35

Introduction

Time 107.5 is a commercial radio station licensed to provide a service of broad music, information and news in the London Borough of Havering and the immediate area. The Licence for the service is held by Lyca Media II Limited ("Lyca" or "the Licensee"). *The Rob Jones show* is broadcast on Tuesdays between 20:00 and 22:00.

Ofcom received a complaint about offensive language in the music track *Tribute* by Tenacious D, broadcast at approximately 20:35. This song lyrics included two instances of the word "motherfucker" and one instance of the word "fuck".

Ofcom considered the material raised issues under Rule 2.3 of the Code:

Rule 2.3: "In applying generally accepted standards broadcasters must ensure the material which may cause offence is justified by the context..."

Ofcom requested comments from the Licensee about how the content complied with this rule.

Response

Lyca said that it could not "justify the use of the song". It explained that the presenter responsible for playing the track sourced it from the internet and did not realise that the song contained offensive language. The Licensee added that playing music from the internet was against the station's protocols.

The Licensee said that the presenter broadcast an apology in his show the week following the incident. In addition, it said it had "re-enforced [its] style guide to all [its] team and will continue to re-enforce this on a regular basis as a constant reminder never to make this error again".

Decision

Reflecting our duties under the Communications Act 2003¹, Section Two of the Code requires that generally accepted standards are applied to provide adequate protection for members of the public from the inclusion of offensive and harmful material in programmes.

Rule 2.3 requires broadcasters to ensure that the broadcast of potentially offensive material is justified by the context. Context includes for example: the editorial content of the programme, the service on which it is broadcast, the time of broadcast and the likely size and composition of the potential audience and the likely expectation of the audience.

¹ <http://www.legislation.gov.uk/ukpga/2003/21/section/319>

Ofcom's research on offensive language² indicates that the words "motherfucker" and "fuck" are considered by audiences to be among the most offensive language. The use of the words in this case clearly had the potential to cause offence to the audience.

Ofcom therefore considered whether the content was justified by the context.

Our guidance on offensive language³ in radio states that: "In reaching any decision about compliance with the Code, Ofcom will take into account the likely audience expectations of a particular radio station at the time of broadcast". In our view, the majority of listeners to a local commercial radio station playing a broad range of music would be unlikely to expect programmes to contain the most offensive language at the time this song was broadcast. Ofcom's Decision is that the broadcast was in breach of Rule 2.3 of the Code.

Breach of Rule 2.3

² https://www.ofcom.org.uk/_data/assets/pdf_file/0022/91624/OfcomOffensiveLanguage.pdf

³ https://www.ofcom.org.uk/_data/assets/pdf_file/0014/40541/offensive-language.pdf

In Breach

Point of View

Channel 44, 4 and 11 December 2017, 17:00

Introduction

Channel 44 is a cable and satellite channel that broadcasts Urdu language news and current affairs programmes. The licence for the service is held by City News Network (SMC) Pvt Ltd ("the Licensee").

We received three complaints about two episodes of *Point of View*, a current affairs discussion programme made in Pakistan and broadcast in the UK on Channel 44. The programme is presented by Dr Danish, a well-known Pakistani television presenter and journalist. The complainants alleged that the programme incited hatred towards the Ahmadiyya community.

The Ahmadi movement identifies itself as a Muslim movement which follows the teachings of the Qur'an. However, it is widely regarded as heretical by orthodox Islam since it differs in its interpretation of the finality of prophethood. There are Ahmadiyya communities around the world. They face restrictions in many Muslim countries and are described in publicly available reports as one of the most persecuted communities in Pakistan¹. There have also been reports of discrimination and threats against the community in the UK².

The programmes discussed the resurfacing of a 2010 video in which Rana Sanaullah, the Provincial Law Minister in the Punjab Government, was interviewed on the Ahmadiyya television channel MTA. Clips of this interview were used in the 4 December episode of *Point of View*. In these clips, Mr Sanaullah made a number of remarks that appeared conciliatory towards the Ahmadiyya community. This led to calls from some orthodox Muslims for Mr Sanaullah to resign from his government position on the grounds that his comments amounted to blasphemy.

As the programme was in Urdu, Ofcom prepared an English translation of the material and gave the Licensee an opportunity to comment on the accuracy of the translation. The Licensee did not raise any issues with how the content of the programme had been translated and we therefore used this translation for the purposes of this investigation.

4 December 2017

The programme began with the following caption:

¹ <https://www.reuters.com/article/us-pakistan-election-ahmadis/pakistans-long-persecuted-ahmadi-minority-fear-becoming-election-scapegoat-idUSKBN1DG04H>;
<https://www.dawn.com/news/1302057/mob-besieging-ahmadi-place-of-worship-in-chakwal-dispersed-by-police>

² <https://www.thetimes.co.uk/article/mosques-on-guard-over-death-threats-from-muslims-5t7hq9l0t>;
http://www.huffingtonpost.co.uk/entry/kill-ahmadis-leaflets-found-in-stockwell-green-mosque-in-south-london_uk_570b5ea6e4b0ae22c1dff607

"Disclaimer. The information, opinions, statements expressed by the guest speakers in the following program do not necessarily reflect or represent the views and opinions held by the Channel Broadcaster. The broadcaster disclaims any responsibility for the information, opinions, claims, statements, suggestions, ideology expressed by the Guest Speaker in the following program".

In this episode of *Point of View*, Dr Danish was joined by Dr Ashraf Jalali³, Fayyaz ul Hassan Chohan⁴, Arif Hameed Bhatti⁵ and Umar Riaz Abbasi⁶ who discussed the implications of Mr Sanaullah's remarks about Ahmadi people. Over the course of the programme, Mr Abbasi, who was introduced by Dr Danish as a "commentator", made a number of allegations about Ahmadi people and the relationship between the Ahmadiyya community and the Pakistani authorities. Approximately 20 minutes after the start of the programme he said:

"In Chakwal⁷, Qadianis⁸ attacked a Milad un Nabi⁹ procession, the administration is silent, our people have been murdered, and why are the Qadianis being favoured? Is the government Qadiani Nawaz?¹⁰ I am going to make a further revelation. The killers of those poor innocents firing those bullets in the tragedy of Model Town¹¹ were in fact Qadianis wearing police uniforms and hired for this purpose".

Mr Abbasi shouted and wagged his finger as he spoke.

Approximately 12 minutes later, Dr Danish said to Mr Abbasi:

"As you know the Model Town case will be decided tomorrow, and they say this man [Nawaz Sharif] is very powerful and cannot be challenged. What do you say?".

Mr Abbasi responded:

"Yes there are 14 murders right there [i.e. at Model Town], and I can say with complete authority as I have unimpeachable sources that confirm that Qadianis wearing police

³ The religious leader of Tehreek-e-Labaik Ya Rasool Allah, an Islamist political party.

⁴ An elected member of the Punjab provincial assembly.

⁵ A prominent television news anchor and print journalist.

⁶ A columnist, media analyst and formerly an officeholder of the Pakistan Awami Tehreek, a political party founded and led by prominent religious scholar, Muhammad Tahir-ul-Qadri.

⁷ A city in northern Punjab.

⁸ Ofcom understands that the term Qadiani is regarded as pejorative in certain circumstances by Ahmadi people.

⁹ Milad un Nabi is a festival celebrating the Prophet Muhammad's birthday.

¹⁰ Ofcom understood "Qadiani Nawaz" to be a play on words to suggest that the government of former Prime Minister Nawaz Sharif is Qadiani i.e. Ahmadi.

¹¹ The tragedy of Model Town refers to a violent clash in 2014 in the district of Model Town, Lahore, between the Punjab Police and activists of the Pakistan Awami Tehreek (a political party in which Umar Riaz Abbasi served at the time). It resulted in the killing of 14 activists from police gunfire.

uniforms were used to kill these people. I have just received a call from a friend called Umar Farooq who I know personally. He has stated that at the Faizabad sit-in¹² some policemen snatched banners away and said 'call your prophet and see if he can save you'. Such Kufr¹³ could only be barked by Qadianis. And these are people that Rana Sanaullah and Nawaz Sharif¹⁴ are calling their brothers! I have said this before that anyone who challenges the Holy Prophet¹⁵ is destroyed. You have seen that they cannot even find sanctuary in their own homes. They said the court of public opinion would make the final decision and the public have given their decision and broke their heads open¹⁶ and beaten them with shoes".

Shortly afterwards, Mr Abbasi, who was shouting and waving his hands, said:

"These Qadianis, like Zafrullah Khan¹⁷ who was the first Foreign Minister [of Pakistan] who did not say the funeral prayers of Qaid I Azam¹⁸. I will also reveal that the murderer of Liaquat Ali Khan¹⁹ was not Said Akbar²⁰ as we all are led to believe, but a Qadiani by the name of Kinzay. Read it in the book by Tahir Razaq²¹. He is still alive in Berlin at the age of 95. The FBI operate from the Qadiani's headquarters in Karachi²². I also have this report from an Israeli Professor by the name of I.T Note. He says, and I swear this is the case, that there are six hundred Pakistani Qadianis in the Israeli army. During the Kargil war²³ they gave away all our military secrets, they gave all our secrets to the Indians. They live in this country and enjoy the benefits of this country, but they support the

¹² The Faizabad sit-in was an organised religious protest outside of the capital city of Islamabad in November 2017. It was organised by the Islamist political party Tehreek-e-Labaik who were demanding that the Pakistani Government reverse an amendment to a rule in which electoral candidates must state on oath that they believe in the finality of the Holy Prophet, and that the Federal Justice Minister should resign. It was alleged that the amendment favoured the Ahmadiyya community.

¹³ Kufr: Arabic word for disbelief

¹⁴ Nawaz Sharif, the former Prime Minister of Pakistan

¹⁵ The Prophet Muhammad.

¹⁶ A common Urdu expression signifying contempt.

¹⁷ Sir Muhammad Zafrullah Khan was a member of the Ahmadiyya community who was the target of abuse from anti-Ahmadi groups.

¹⁸ Qaid I Azam is an honorific title given to Muhammad Ali Jinnah, the founder of Pakistan.

¹⁹ Liaquat Ali Khan was Pakistan's first Prime Minister, assassinated in 1951.

²⁰ Said Akbar was an individual identified by the Pakistani Government as responsible for the assassination of Liaquat Ali Khan.

²¹ Muhammad Tahir Abdul Razaq is a leading member of the International Khatme Nabuwwat Movement in Pakistan. He has written a number of articles, pamphlets and books critical of Ahmadi people.

²² An apparent suggestion that Ahmadi people are conspiring with a foreign (US) agency.

²³ An armed conflict between India and Pakistan between May and July 1999.

Israelis and the Indians. Their father Nawaz Sharif calls them his brothers. Their father Nawaz Sharif and Shahbaz Sharif²⁴ have inducted them into the police, the education department has been handed over to them, health has been handed to them. Pakistanis rise up! Your syllabus, your leadership has been handed over to the Mirzais²⁵. Pakistanis when will you wake up in defence of blasphemy against the Prophet? Should the syllabus contain education about Khatme Nabuwat²⁶ or should it contain Nawaz Sharif's ideas? Nawaz Sharif is a stooge of the Qadianis and until they suffer a bad ending matters will not improve. The last thing I will say is, that if you threw Rana Sanaullah before dogs they would balk at biting him and say, 'if I bit this Qadiani Nawaz²⁷ I too would go mad!'"

11 December 2017

This episode followed up on the issues discussed in the 4 December 2017 programme. The programme was again presented by Dr Danish who was joined by Rana Azeem²⁸ and Faisal Vawda²⁹ and two guests who also appeared on the 4 December 2017 programme, Dr Ashraf Jalali and Umar Riaz Abbasi. The episode began with the same "disclaimer" as was broadcast at the start of the 4 December 2017 programme.

Approximately 15 minutes after the start of the programme, Mr Abbasi said:

"Why do they call themselves Ahmadi Muslims? They should call themselves Qadianis. Pakistan's constitution has declared them non-Muslim. How dare they sit here in Pakistan and call themselves the Ahmadi community and Muslim. These are the ones who attack processions celebrating the birthday of the Prophet. The Qadianis who attack Pakistan's armed forces. The ones who shower gunpowder on those pronouncing praise for the Holy Prophet. The Qadianis who murder members of the law enforcement agencies in this country. I swear to you, the Qadianis even provided the recce [reconnaissance], support, funding and logistics for the attack on Army Public School, Peshawar³⁰. This country was founded in the name of Islam. Here reside those people who love the Holy Prophet. We will no longer tolerate their taunts, Doctor".

Dr Danish then asked Rana Azeem about recent resignations by members of the Pakistan National Assembly and the Punjab Assembly. Mr Azeem responded:

"Firstly, the resignations came yesterday but your previous programme predicted the names beforehand. I salute those who resigned for the dignity of the Holy Prophet. For this cause, one can even sacrifice their life, what to say of a resignation. There is a

²⁴ Chief Minister of Punjab.

²⁵ A pejorative term for Ahmadi people.

²⁶ A religious doctrine that affirms that the Prophet Muhammad is the last prophet.

²⁷ See footnote 10.

²⁸ A reporter for Daily Dunya News.

²⁹ Head of media affairs for Pakistan Tehreek-e-Insaf, a Pakistani political party led by former cricketer Imran Khan.

³⁰ Reference to a December 2014 terrorist attack on the Army Public School in Peshawar, Pakistan. Six gunmen affiliated with the Tehreek-i-Taliban (TTP) killed 149 people, including 132 schoolchildren.

conspiracy going on which has been happening for a long time. This is all being done by Mian Nawaz Sharif, and it's not him alone. He went to London and met some members of parliament there and had some pro-Qadiani discussions. Further to this, only yesterday, someone met him in Britain and - right after this - a statement was issued saying that Qadianis should be protected in Pakistan. It was said that those speaking out against Qadianis in Pakistan should be suppressed, there should be action against them. It is being done by Nawaz Sharif. Rana Sanaullah is small fry, it isn't in his control. Mian Nawaz Sharif is doing this to appease those forces within Pakistan who are enemies of Islam. Those who are enemies of our clerics. Those who want to shut down Islamic schools in this country. It is our misfortune that, on one side, Nawaz Sharif is carrying out this conspiracy and on the other side, and I say this with regret, our religious and political organisations are not fulfilling their role. Mr. Sialvi³¹ has played a role and his role is that of a true Muslim, something that others should be doing. This isn't limited to rallies. Today Rana Sanaullah has challenged the devotees of the Prophet and mocked the Faisalabad rally, which was one of the biggest and most diverse rallies in Pakistan. Today that has been mocked and a challenge has been laid down for the people. Will you stay silent or come out? With apologies, this isn't something to be done on TV, we will have to come out and defend the dignity of the Holy Prophet. As with the Caliph, this can't just be done with the tongue alone. For the love of the Prophet, we will have to go to any length. Bear in mind that Mian Nawaz Sharif is doing this to destroy the peace within Pakistan and he must be punished".

Shortly afterwards, Mr Vawda returned to the subject of the killings that occurred at Model Town. He said:

"If you look at the Model Town incident, the report for which we all tried to work towards seeing, 14 people were killed including women. I wonder what Tahir-ul-Qadri³² is waiting for. Now it is time for justice. When eight innocent people are killed, we get one resignation. So, if you want the cabinet to resign, multiply it by eight. Tahir-ul-Qadri is often accused of being invited by the army to step in, but this time all the democratic forces are onboard. The Pakistan People's Party has stood up alongside us, so what are we waiting for? Four and half years have been wasted, they have played with the country and its children to preserve their power and transfer wealth to their offspring. In the end they even played with our religion. Our faith has been played with in such a pointless and disrespectful way that I think even now everyone is talking in restrained terms. It's such a sensitive issue that the government took such a big step over. Eight people have died over this. I am clear that I cannot justify how big a Muslim I am to anyone else, whether I'm good or bad, it's for God to decide. But these people, who toy with religion to propel their political ambitions internationally, it reveals a conspiracy to destroy Pakistan".

Five minutes later, Dr Danish asked Mr Abbasi about alleged threats he had received on social media from Ahmadi people following his appearance on the 4 December programme. Mr Abbasi shouted as he said:

"First of all, Dr. Danish, you talked about threats. I consider them an invitation to the court of the Holy Prophet. There is no reason to be frightened of their threats, for it would be martyrdom if one was to sacrifice their life in the name of the Prophet. One can die of

³¹ Abdul Hamid Sialvi: A religious leader and politician in Pakistan.

³² Leader of the political party, Pakistan Awami Tehreek.

a heart attack or an accident. For me, there is no greater reward in death than a death in the name of the Prophet. I would like to extend my congratulations to you, as you have done four programmes on the finality of prophethood. These programmes have been shared and rated by millions. As a result, their Rabwah Academy³³ felt the heat and had a nervous breakdown. Then, there is this Qadiani academy which these Ahmadi Muslims write as 'academy-dot-co', they have a Facebook page. On it, there is a Qadiani social activist called Qamar Ahmed. He shared a video of your last programme with me on it and tried to refute it and insulted the glory of the Prophet. He said that Dr. Danish, Umar Riaz Abbasi and Ashraf Jalali are dogs who are barking against Qadianis. They say things like this on social media. They swear at our mothers and sisters. Today, I want to tell the whole nation something. I have an SMS on my mobile and on this [holds up mobile phone and document]. Qamar Ahmed says to me: 'have you forgotten what happened in Model Town? We have our people in the police and the bureaucracy who will drag you down'. So, with social media and with your channel's support, I wish to respond to Mirza Masroor³⁴, who is sat in London, that you recently said that your Qadianis in Pakistan should come out against the clerics and the protectors of the finality of prophethood. So, Mirza Masroor, before you make it over here, you'll be ripped limbed from limb. This isn't Mirza Qadiani's Pakistan. This is a Pakistan for the believers of the Holy Prophet Muhammad. This Pakistan isn't Qadiani - Nawaz Sharif's - it's the Pakistan of the Holy Prophet's servants. We are neither frightened by your social media activity, nor are we frightened by your threats. Neither are we scared of the Qadianis who are sat in the bureaucracy. And neither are we scared of Qadianis in the positions of D.I.G. or I.G.³⁵ in the Punjab police; we send them a message".

The programme ended with Mr Vawda and Dr Danish calling for "all Pakistani Muslims" to come out in "peaceful protest".

We considered the material raised issues under the following rules of the Code:

- Rule 3.2: "Material which contains hate speech must not be included in television and radio programmes except where it is justified by the context".
- Rule 3.3: "Material which contains abusive or derogatory treatment of individuals, groups, religions or communities, must not be included in television and radio services except where it is justified by the context".
- 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...discriminatory treatment or language (for example on the grounds of...religion...)".

Ofcom requested comments from the Licensee on how the programme complied with these rules.

³³ An apparent reference to an Ahmadi educational institution in Rabwah, Punjab – a place that is the main hub of the Ahmadiyya community in Pakistan.

³⁴ Mirza Masroor Ahmad: Elected fifth Caliph and current leader of the Ahmadiyya Community.

³⁵ D.I.G: Deputy Inspector-General/I.G: Inspector-General.

Both programmes were repeated on the same day as their original transmissions but the content that was of concern to Ofcom was removed before broadcast.

Response

In relation to the 4 December 2017 programme, the Licensee said it “would like to apologise for any offence caused by this edition of Point of View”. It said that Dr Danish “is briefed to challenge his guests on their statements” and that when Mr Abbasi “was invited to contribute to the discussion it was centred on Islamic Ideology”. However, the Licensee said that Mr Abbasi “went on to use the programme as a platform to voice his own views on the Ahmadis, which included some serious allegations”. The Licensee conceded that Dr Danish “did not challenge [Mr Abbasi] as he is briefed to do so but moved the discussion away to Mr Bhatti”.

The Licensee told Ofcom that Dr Danish “said he perceived [Mr Abbasi] to be giving his personal views and never endorsed Mr Abbasi’s comments himself” and that “the programme featured many guests who provide a range of [views], creating a broad and often emotive discussion”. The Licensee acknowledged that “Dr Danish returned to Mr Abbasi referring to the Model Town case” and that “the Producer should have prevented this, given Mr Abbasi’s earlier outburst”. The Licensee also said that “Dr Danish was given a warning after the programme and was instructed not to discuss topics if the speakers do not have clear proof to back up their statements”.

In relation to the 11 December 2017 programme, the Licensee said that “Mr Abbasi claimed he was speaking in defence of respect for the Holy Prophet and had evidence to support his views. However, the Licensee acknowledged that “during the programme, it transpired his evidence was based on an SMS response from a member of the Ahmadi community, Qamar Ahmed”.

In the Licensee’s view, “some clarification of the Ahmadi story” was provided by the comments made by Mr Azeem, as well as the “measured comments” made by Mr Vawda on the Model Town incident. The Licensee said that “in Dr Danish’s view, [these comments] provided balance in an arena of free speech”. However, the Licensee conceded that Dr Danish should “not have allowed Mr Abbasi to make threats to the Ahmadis”. The Licensee also acknowledged that “Dr Danish referred to the threats received by Mr Abbasi for his outspoken comments” and that this “was ill advised as it was apparent Mr Abbasi could not restrain his comments”.

The Licensee told Ofcom that “the Producer responsible for both programmes had understood Mr Abbasi was being invited as a guest analyst and commentator and would only speak on matters based on evidence”. The Licensee also said that the Producer expected “Dr Danish to hold the guests to account for their comments”. According to the Licensee, this was “a misjudgement by the Producer” and the Licensee apologised for “not controlling the guest better”.

The Licensee also described the action it has taken following the broadcast of these programmes. It said the Producer had been “suspended pending a committee review of these two programmes” and that he had “given a written apology to the committee and has been given an official warning”. The Licensee told Ofcom that compliance training had been provided by an “independent compliance professional” that was attended by 37 channel

staff “which included editorial chiefs, journalists, presenters and producers” and covered Rules 3.2, 3.3 and 2.3 in particular, as well as the Code as a whole.

The Licensee said that after the broadcast of the 11 December programme, “senior management decided that Dr Danish is no longer allowed to do a live programme” on Channel 44 and would only be allowed to return to live programming “once he can demonstrate that he can follow [the Licensee’s] content guidelines”. The Licensee also told Ofcom that should Dr Danish return to presenting live programming that it will “monitor all interviews closely” and use a delay. Further, it said it had introduced a delay on all of its live programming.

The Licensee also told Ofcom that the programme “were edited before being repeated” and that it did not “endorse Mr Abbasi’s comments”. It said this was “flagged in the form of a disclaimer at the start of [this] programme”. However, the Licensee also said that it does “not rely solely on the disclaimer” as it expects “hosts to be able to control the debate and comments of outspoken guests”.

In conclusion, the Licensee said that, “as a relatively young licensee” it is “committed to raising [its] production standards by...undertaking regular training”. It also assured Ofcom that it takes “incidents such as these very seriously”.

Response from Dr Danish

Ofcom’s procedures for investigating breaches of content standards³⁶ permit Ofcom to seek representations from third parties “who may be directly affected by the outcome of Ofcom’s investigation and determination of a complaint(s) and who may have interests independent of the relevant broadcaster of that programme (e.g. presenters, producers and/or independent programme-makers)”. In the circumstances of this case, we considered that the presenter of *Point of View*, Dr Danish, met these criteria and therefore also gave him the opportunity to provide representations.

Dr Danish drew attention “to the fact that the policy of the channel is clear, unambiguous and states that they do not subscribe to the view points of the guests”. Dr Danish described the issue discussed in these episodes of *Point of View* as “very complicated, pseudo theology, where nerves stood high coupled with the background of the Law promulgated by the then President of Pakistan, on 26th April 1984 by issuing the anti-Ahmadis Ordinance XX which...forbids Ahmadis to call themselves Muslims or to ‘pose as Muslims’”.

Dr Danish also emphasised the rights to freedom of expression as set out under “the Universal Declaration of Human Rights...to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.

Finally, Dr Danish said that in light of the above, “coupled with various citations, on Twitter, Facebook, social media the world over, the freedom of expression in the shape of Universal Declaration of Human Rights the role of anchorpersons world over are moderate”.

³⁶ https://www.ofcom.org.uk/data/assets/pdf_file/0020/55109/breaches-content-standards.pdf

Decision

Reflecting our duties under the Communications Act 2003³⁷, Section Two and Three of the Code require 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, including material containing hatred, abusive and derogatory treatment of individuals, groups, religions or communities.

Ofcom has taken account of the audience's and broadcaster's right to freedom of expression set out in Article 10 of the European Convention on Human Rights ("ECHR"). We have also had regard to Article 9 of the ECHR, which states that everyone "has the right to freedom of thought, conscience and religion". Ofcom must seek to balance broadcasters' freedom of expression and compliance with the Code.

Ofcom has also had due regard³⁸ in the exercise of its functions to the need to eliminate unlawful discrimination, to advance equality of opportunity and to foster good relations between those who share a relevant protected characteristic, such as religion or belief, and those who do not.

Broadcasters can transmit programmes taking a critical view of a particular religion or broadcast opinions that some viewers may find offensive, and the Code does not seek to prevent followers of one religion from being able to express views rejecting or criticising people of differing views or beliefs. To do so would, in our view, be a disproportionate restriction of the broadcaster's right to freedom of expression and the audience's right to receive information. However, when broadcasting material of this nature, broadcasters must comply with all relevant rules, including: Rule 3.2 (hate speech must not be included except where it is justified by the context); Rule 3.3 (abusive or derogatory treatment of individuals, groups, religions or communities, must not be included except where it is justified by the context); and Rule 2.3 (material which may cause offence must be justified by the context).

Rule 3.2

Rule 3.2 of the Code states:

"Material which contains hate speech must not be included in television and radio programmes except where it is justified by the context".

The Code defines "hate speech" as "all forms of expression which spread, incite, promote or justify hatred based on intolerance on the grounds of disability, ethnicity, gender, gender reassignment, nationality, race, religion, or sexual orientation.

Ofcom first considered whether the content in these two programmes constituted hate speech.

Both programmes included criticism of Mr Sanallah for what the panellists perceived to be his expression of sympathetic attitude towards Ahmadi people in a video clip recorded in 2010. The criticism included some calls for Mr Sanallah to resign from his position within

³⁷ <http://www.legislation.gov.uk/ukpga/2003/21/contents>

³⁸ Under section 149 of the Equality Act 2010.

the Punjab Government and to recite the Shahada. We took the view that this criticism was intended to imply that Mr Sanaullah's remarks meant he was no longer a true follower of the Islamic faith and therefore he would need to recite the Islamic profession of faith in order to be recognised again as a Muslim. Mr Sanaullah is a minister in the Punjab Government and we considered that his actions were a legitimate topic for discussion in a programme that focuses on Pakistani current affairs. However, Ofcom was concerned by the extent to which this discussion was used as a platform to express hatred based on intolerance of the Ahmadiyya community and the religious beliefs of its members. This was done in number of different ways.

Firstly, both programmes included a series of serious accusations made by one of the panellists, Mr Abbasi, about the alleged actions of members of the Ahmadiyya community. For example, in the 4 December programme he alleged that:

- Ahmadi people wearing police officer uniforms were responsible for killing 14 people at Model Town³⁹;
- the policemen who *"snatched banners away"* from protestors at the Faizabad sit-in and verbally threatened them could *"only be"* Ahmadi people;
- an Ahmadi person assassinated Liaquat Ali Khan, the first Prime Minister of Pakistan;
- there are 600 Pakistani Ahmadi people in the Israeli army;
- Ahmadi people gave away military secrets during the Kargil war between Pakistan and India.

In the 11 December programme, Mr Abbasi alleged that:

- Ahmadi people attacked processions celebrating the birthday of the Prophet Mohammed;
- members of the Ahmadiyya community had murdered members of Pakistani law enforcement agencies; and,
- Ahmadi people had provided reconnaissance, support, funding and logistics for the 2014 terrorist attack by gunmen affiliated with the Taliban in which 149 people (including 132 children) were killed.

In summary, these statements alleged that members of the Ahmadiyya community had: committed acts of murder, terrorism and treason as well as undertaken political assassinations. The emphasis when making these serious allegations was on the Ahmadi identity of the stated perpetrators.

In Ofcom's view, these accusations were highly inflammatory and gravely serious in nature. Further, Ofcom is not aware of any reliable evidential basis for any of the allegations which were made above, and in its representations, the Licensee did not seek to provide any factual basis for them.

³⁹ See Footnote 11

We were also concerned by the degree to which the programme attributed conspiratorial intent to the actions of some members of the Pakistani authorities towards the Ahmadiyya community. For example, Mr Abbasi said that:

- Nawaz Sharif and Shahbaz Sharif had *"inducted"* Ahmadi people *"into the police, the education department has been handed over to them, health has been handed over to them"* and called for Pakistani people to *"rise up"* against this;
- Ahmadi people were being *"favoured"* within Pakistani society;
- the school syllabus and the Pakistani leadership had been *"handed over"* to members of the Ahmadiyya community;
- Nawaz Sharif was a *"stooge"* of the Ahmadi people and;
- until the Ahmadiyya community suffers *"a bad ending matters will not improve"*.

We considered that these remarks further contributed to the programmes amounting to hate speech as they attempted to justify hatred toward the Ahmadiyya community on the basis that Ahmadi people were being favoured in Pakistani society at the expense of orthodox Muslims.

We also considered that the inflammatory nature of Mr Abbasi's comments was increased as he shouted on a number of occasions while making the above remarks. Further, it was our view that the language used by Mr Abbasi to refer to Ahmadi people was a further aggravating factor in this case. In particular, members of the Ahmadiyya community were referred to on numerous occasions as *"Qadianis"* and once as *"Mirzais"*. Both these terms are potentially highly derogatory towards members of the Ahmadiyya community⁴⁰. Therefore, used in a context in which such inflammatory allegations were being made about that community and delivered in an aggressive manner, also in our view tended to spread and promote hatred.

For these reasons, we considered the cumulative effect of this content was to spread, promote and justify hatred towards members of the Ahmadiyya community amongst viewers. The content was therefore hate speech, as defined by the Code.

We next considered whether there was sufficient context to justify the broadcast of hate speech in this case. Our published Guidance to Rule 3.2 makes clear that there are certain genres of programming such as drama, comedy or satire where there is likely to be editorial justification for including challenging or extreme views in keeping with audience expectations, provided there is sufficient context. However, the greater the risk the material may cause harm or offence, the greater the need for contextual justification. In this case, we considered that the risk of the material broadcast causing harm or offence was particularly high, given the number and length of the statements that Ofcom considered amounted to hate speech. We therefore considered that the need for contextual justification was particularly important in this case.

⁴⁰ See: <https://www.dawn.com/news/1017550>, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/566234/Pakistan-Ahmadis.pdf and <https://uk.reuters.com/article/uk-pakistan-election-ahmadis/pakistans-long-persecuted-ahmadi-minority-fear-becoming-election-scapegoat-idUKKBN1DG04N>

In assessing whether there was a contextual justification, Ofcom must take proper account of the broadcaster's and the audience's right to freedom of expression, which includes the right to receive information, and related rights to freedom of thought, conscience and religion.

The Code states that contextual factors relevant to Rules 3.2 and 3.3 of the Code may include, but are not limited to:

- the genre and editorial content of the programme;
- the extent to which sufficient challenge is provided;
- the status of anyone featured in the material; and
- the service on which the programme is broadcast and the likely size and expectations of the audience.

We therefore considered whether these or any other contextual factors were relevant to this case.

As *Point of View* is a current affairs programme broadcast on a channel specialising in news and current affairs programming we considered viewers may expect controversial viewpoints to be aired, particularly on political matters. The Code does not prohibit discussions about the status and role of the Ahmadiyya community in Pakistani society. However, in Ofcom's view, the prolonged hate speech against Ahmadi people that was included in the programmes would have been highly upsetting to some viewers of these programmes and potentially damaging to relationships between orthodox Muslims and members of the Ahmadiyya community in the UK.

We took account of the fact that Mr Abbasi was introduced as a "*commentator*" and that to the best of our knowledge, he does not hold any particular position of authority. However, despite the inflammatory and unproved nature of the allegations he made, his statements were not challenged at any point by the other panellists. We were particularly concerned that Dr Danish, in his role as presenter of *Point of View* and representing its editorial voice, did not seek to clarify or critique any of Mr Abbasi's statements in a way that would have provided context which may have helped justify the prolonged hate speech which was broadcast.

The Licensee considered that comments made by Mr Vawda during the 11 December programme "provided balance on the Model Town incident". We acknowledged that Mr Vawda's comments (as set out in the Introduction) could be interpreted as highlighting the need for an official report into the matter to be released before coming to final judgement about who was responsible for the deaths of the 14 protestors at Model Town. However, given that Mr Abbasi had previously declared with "*complete authority*" that "*Ahmadi people wearing police uniforms*" were responsible, we did not consider that Mr Vawda's comments provided sufficient context to ensure that Mr Abbasi's comments in the 4 December programme were compliant with Rule 3.2.

The Licensee also argued that comments made by Mr Azeem during the 11 December programme "provided some clarification of the Ahmadi story". However, in Ofcom's view, Mr Azeem's comments (as set out in the Introduction) served to reinforce the suggestion that a pro-Ahmadi conspiracy was being undertaken by members of the Pakistani

authorities. For example, Mr Azeem said that Nawaz Sharif had visited members of the UK Government where “*pro-Qadiani*” discussions had taken place and following a further meeting in Britain “*a statement was issued saying that Qadianis should be protected in Pakistan*”. Mr Azeem said that Mr Sharif had taken these actions, which he described as “*a conspiracy*”, “*to appease those forces within Pakistan who are enemies of Islam*”. We therefore considered that Mr Azeem’s comments further aggravated the issues in this case, rather than providing “*clarification*” as suggested by the Licensee.

We also took account of the representations made by the presenter of *Point of View*, Dr Danish. As already stated, we have taken careful account of the audience’s and broadcaster’s right to freedom of expression in coming to our Decision. We also recognised that under Pakistani law, Ahmadi people are prohibited from identifying themselves as Muslims. However, we considered that the comments about Ahmadi people in these episodes of *Point of View* went far beyond a theological and legal discussion about the rights of the Ahmadiyya community. Rather, for the reasons we have set out above, we considered that this content amounted to prolonged hate speech, that was not justified by the context.

In its representations, the Licensee said it wanted to “*apologise for any offence caused*” and that it took “*incidents such as these very seriously*”. We also took account of the fact that the programmes included a “*disclaimer*” broadcast at the start which informed viewers that the views aired in the programme did not necessarily reflect the views of the broadcaster. However, given the strength of the material in this case, we considered there was not sufficient context to justify the hate speech in both programmes.

Our Decision is that Rule 3.2 was breached.

Rule 3.3

Rule 3.3 of the Code states:

“Material which contains abusive or derogatory treatment of individuals, groups, religions or communities, must not be included in television and radio services except where it is justified by the context”.

The Code does not prohibit criticism of any religion. However, such criticism must not spill over into abuse. The Code has been drafted in light of the Human Rights Act 1998 and the ECHR and seeks to strike an appropriate balance where broadcast content engages competing rights. In the context of Rule 3.3, it does so in particular in relation to the right to freedom of expression which encompasses the broadcaster’s and audience’s right to receive material, information and ideas without interference, as well as the right to freedom of thought, conscience and religion and the right to enjoyment of human rights without discrimination on grounds such as religion.

We first considered whether this programme contained abusive or derogatory treatment of individuals, groups, religions or communities. As set out above, it was our view that the content of both programmes constituted both abusive and derogatory treatment of Ahmadi people. This is because the programmes included frequent serious and unsubstantiated accusations about the actions of members of the Ahmadiyya community that included assisting in a terrorist incident and carrying out various acts of murder. In addition, the programmes repeatedly referred to Ahmadi people using the discriminatory and derogatory term “*Qadiani*” and, on one occasion, referred to them as “*Mirzai*”.

We also were particularly concerned by Mr Abbasi's remarks about Mirza Masroor Ahmed, the elected leader and Caliph of the Ahmadiyya community. Mr Abbasi said:

"...I wish to respond to Mirza Masroor, who is sat in London, that you said that your Qadianis in Pakistan should come out against the clerics and the protectors of the finality of the prophethood. So Mizra Masroor, before you make it over here, you'll be ripped limb from limb. This isn't Mirza Qadiani's Pakistan. This is a Pakistan for the believers of the Holy Prophet Muhammad".

Given Mirza Masroor Ahmad's position as leader of the Ahmadiyya community, we considered Mr Abbasi's suggestion that Mirza Masroor Ahmad would be "*ripped limb from limb*" if he attempted to travel to Pakistan further contributed to the programmes amounting to abusive and derogatory treatment of Ahmadi people.

Rule 3.3 states that abusive and derogatory treatment of religions and groups can only be included in television and radio where it is justified by the context. As previously discussed above, we considered that the strength of this material would have exceeded viewers' expectations and there was insufficient context in either programme to justify the broadcast of the prolonged abusive and derogatory treatment of the Ahmadiyya community and the religious beliefs of its members.

As in relation to Rule 3.2, we took account of the actions taken by the Licensee after the broadcast of these programmes as well as the representations made by Dr Danish. However, we considered that these programmes represented clear cases of the broadcast of abusive and derogatory treatment of a religious group that was not justified by the context. Therefore, our Decision is that Rule 3.3 was breached.

Rule 2.3

Rule 2.3 of the Code requires that:

"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, offensive language...humiliation, distress, violation of human dignity, discriminatory treatment or language (for example on the grounds of...religion...)".

We first considered whether the material in these programmes had the potential to cause offence. For the reasons set out above under Rules 3.2 and 3.3, we considered that the content in both programmes amounted to hate speech and was abusive and derogatory towards members of the Ahmadiyya community and their beliefs. By its nature, it discriminated against Ahmadi people on grounds of religion. We took the view therefore that this content would have been highly offensive and distressing both to Ahmadi people who were watching and to others who do not share the views about the Ahmadi community that were expressed in the programme.

We went on to consider whether this potential offence was justified by the context. For the reasons set out above under Rules 3.2 and 3.3, we considered these programmes repeatedly presented a critical and extremely negative view of Ahmadi people and their beliefs. In Ofcom's view, the numerous and highly offensive comments were broadcast without immediate challenge or critique, nor with any invitation for opposing views to be put forward

from either the programme's presenter or the other panellists. We were satisfied that there was no context to justify the material causing offence in this broadcast and it was our view that it would have exceeded the expectations of a UK audience.

Although we took account of the actions taken by the Licensee, for all the reasons above, our Decision is that Rules 2.3 was breached.

Conclusion

The broadcast of this potentially very harmful and highly offensive content represents serious breaches of the Code.

We are also concerned that the circumstances of this cases demonstrated an ineffective approach to compliance with the Code. In particular, despite the fact that numerous inflammatory remarks were made by Mr Abbasi during the 4 December 2017 programme, and the Licensee had recognised at the time that these were problematic, Mr Abbasi made a further appearance in the programme broadcast on 11 December 2017 and was allowed to make similar remarks, resulting in further breaches of the Code.

We consider these breaches to be serious and are putting the Licensee on notice that we will consider them for the imposition of a statutory sanction.

Breaches of Rules 3.2, 3.3 and 2.3

In Breach

Suddenly It's Spring ***That's Oxford, 17 March 2018, 11:20***

Introduction

That's Oxford is a local television service for Oxford and the surrounding area. The Licence is held by That's Oxford Limited ("TOL" or "the Licensee").

Suddenly It's Spring was a children's cartoon made in 1944, featuring the doll Raggedy Ann setting out on a mission to ask the Sun to shine on her poorly owner. On her journey she was shown asking other weather elements, Mr Cloud, Mr Breezy and Mr Zero to assist her. Ofcom received a complaint that the character of Mr Cloud was depicted as an offensive and outdated racial stereotype of a black person.

Mr Cloud was depicted in the cartoon as a black person from the deep south of America with exaggerated facial features. In addition, he was portrayed as indolent with slow, slurred speech.

Ofcom considered the material raised issues under the following Code rules:

Rule 1.3: "Children must...be protected by appropriate scheduling from material that is unsuitable for them..."

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, ...humiliation, distress, violation of human dignity, discriminatory treatment or language (for example on the grounds of...race..."

We therefore sought comments from TOL on how the above content complied with these rules.

Response

The Licensee accepted that the cartoon contained a racial stereotype that was likely to cause offence and apologised for any offence caused.

It explained that the cartoon had been mistakenly marked as suitable for broadcast. It said that, upon receipt of the complaint, the cartoon was reclassified to prevent any future scheduling.

Decision

Reflecting our duties under the Communications Act 2003¹, Section One of the Code requires that people under eighteen are protected from unsuitable material in programmes. Section Two of the Code requires that generally accepted standards are applied so as to provide

¹ <http://www.legislation.gov.uk/ukpga/2003/21/section/319>

adequate protection for members of the public from the inclusion of harmful or offensive material.

Ofcom has taken account of the audience's and broadcaster's right to freedom of expression set out in Article 10 of the European Convention on Human Rights.

In reaching its Decision, Ofcom has also had due regard² in the exercise of its functions to the need to eliminate unlawful discrimination, to advance equality of opportunity and to foster good relations between those who share a relevant protected characteristic, such as race, and those who do not.

Rule 1.3 states that children must be protected by appropriate scheduling from material that is unsuitable for them. Appropriate scheduling is judged by a number of factors including: the nature of the content; the time of broadcast; and likely audience expectations.

Ofcom first considered whether the characterisation of Mr Cloud in this cartoon was unsuitable for children. In Ofcom's view the exaggerated facial features and indolent nature of the character reinforced an outdated, pejorative and harmful racial stereotype of a black person which was not suitable for children to view.

Ofcom then went onto consider whether this material was appropriately scheduled.

This cartoon was broadcast on a Saturday from 11:20 and therefore at a time when children were likely to be watching, some unaccompanied. We took into account that there was no warning before the broadcast to alert parents or children to the nature of this content. Further, as the characterisation appeared within a children's cartoon featuring a rag doll, the likely expectation of the audience would have been that this cartoon was suitable for children to view, when in fact this was not the case. We therefore considered this content was unsuitable for children and was not appropriately scheduled.

Rule 2.3 states that in applying generally accepted standards broadcasters must ensure that potentially offensive material is justified by the context. Context includes, but is not limited to, editorial content of the programme, warnings given to listeners, the time of the broadcast and the likely expectation of the audience.

We first considered whether this content was potentially offensive. Given this cartoon included a negative stereotype of a black person, which reinforced racial prejudice, Ofcom was of the view that this material was also highly offensive.

We next considered whether there was sufficient context to justify any potential offence. We acknowledged this cartoon dated from 1944 when there were very different attitudes towards portrayals of race and when race discrimination was prevalent. We also accepted that with the appropriate level of context such archive material may still be broadcast. However, in our view UK audiences today would find such racial stereotyping highly unacceptable and out of step with generally accepted standards as it was broadcast in this case. Therefore, the broadcast of this offensive content without a warning or any other context was also a breach of Rule 2.3.

² Under section 149 of the Equality Act 2010.

We acknowledged that the Licensee admitted that the content should not have been broadcast and said it had reclassified it to prevent any future scheduling. However, given all of the above, it is Ofcom's Decision that the broadcast breached Rules 1.3 and 2.3.

Breaches of Rules 1.3 and 2.3

In Breach

35 minutes

Abu Dhabi Channel, 5 February 2018, 00:35

Introduction

Abu Dhabi Channel is a global news and current affairs television channel produced in Abu Dhabi and funded by Abu Dhabi Media, the official media organisation of the Government of Abu Dhabi. It is broadcast in Arabic. In the UK, the channel is broadcast on the satellite platform. The Licence for the service is held by Abu Dhabi Media Company PJSC ("ADMC" or "the Licensee").

35 Minutes is a current affairs programme, which mainly discusses the news and current affairs in the Middle East. Ofcom received two complaints that the above programme was:

- an "attack" on the United Nations Office of the High Commissioner for Human Rights (or "the OHCHR")¹, implying that the Committee "had received bribes" from the Qatari Government "in return for the report published on the embargo imposed on Qatar earlier this year"; and,
- a "defamation of [an] international body without ev[i]dence".

Ofcom obtained an independent translation of the original programme in Arabic into English and gave the Licensee an opportunity to comment on its accuracy. ADMC made several amendments to the translations, some of which we took into consideration for the purpose of this investigation.

This edition of *35 Minutes* focused on the findings of a recent OHCHR report on the impact of the Gulf crisis on human rights in the region². The two presenters, Suheil al-Zabidi and Fatima al-Ward, were joined in the studio by: Dr Ammar Ali Hassan, described in the programme as "a writer and an expert in political science"; and, Dr. Muhammad Bati al-Shamsi, described in the programme as "a member of the Board of Directors of the Geneva Centre for Human Rights Advancement and Global Dialogue". The discussion was interspersed by short reports narrated by Muhammad al-Wahibi.

¹ <http://www.ohchr.org/EN/pages/home.aspx>

² On 5 June 2017, it was reported that three Gulf Arab states, the Kingdom of Saudi Arabia (KSA), United Arab Emirates (UAE) and the Kingdom of Bahrain, in addition to the Arab Republic of Egypt ("the Quartet") cut their diplomatic ties with the state of Qatar, ordering their citizens to leave Qatar, declaring a ban on all travels to and from Qatar and instructing Qatari residents and visitors to leave their territories within 14 days. As of 5 June, the Governments of KSA, UAE and Bahrain closed all air, sea and land transportation links with Qatar. On 14 September 2017, the National Human Right Committee (NHRC) of Qatar invited the UN High Commissioner to dispatch a technical mission to Qatar to assess the impact of the Quartet's decision on human rights. Following its visit of Qatar between 17-24 November 2017, the OHCHR Technical Mission to the State of Qatar published its findings in December 2017 (see <http://nhrc-qa.org/en/themencode-pdf-viewer/?file=http://nhrc-qa.org/wp-content/uploads/2018/01/OHCHR-TM-REPORT-ENGLISH-1.pdf>).

The content included several statements about the policies and actions of the Qatari authorities, and the OHCHR. For example:

Suheil al-Zabidi:

"The human rights delegation that visited Doha has released a report that did not contain a single word about the rights of Qataris and of those residing in Qatar. Workers at the World Cup are imprisoned for saying the wrong thing, 6,000 Qataris have had their citizenship withdrawn, destroying their hopes. Their cases are forgotten by human rights organisations. Instead of restoring their human rights, the report focuses on matters outside of its purview. As if its purpose were to launder the reputation of the regime, instead of working on human rights issues. The Middle East Quartet³ criticised the report's deceptions and drew attention to the Commission".

Muhammad al-Wahibi:

"The Technical Mission from the Office of the High Commissioner for Human Rights should have inspired hope in those who had been mistreated by Doha, such as the 6,000 Qataris who had their citizenship stripped before being dumped at the Qatari border. This was the largest violation of its kind by a member of the United Nations...The world continues to be disturbed by the cases of the Asians constructing football stadiums, who work for scraps and whose mistreatment led to international protest...Not to mention the torture of Qatari pilgrims, or the threat made on-air by a Qatari official to use chemical weapons against the country's own people...None of these basic human rights issues were discussed by the human rights delegation that visited Doha. Instead, the Technical Mission issued a report attacking neighbouring countries for imposing a boycott on the country. The deceptions of the report were refuted in detail by a statement made by the neighbouring countries...Arab journalists wrote about the Jewish public relations firm entrusted with laundering Qatar's international reputation, as well as the Qatari regime's involvement and expertise in corruption, including with regards to the World Cup".

Suheil al-Zabidi:

"Today, we are discussing the deceptions of the United Nations' human rights delegation after its visit to Doha".

Dr. Ammar Ali Hassan:

"All of this has been going on for years, and the United Nations has not taken action. When the High Commission for Human Rights sent this delegation, this was not entirely of its own initiative but was based on an invitation by the Qatari Government, or to be precise, an indirect invitation from the Qatari government through the Qatari Human Rights Committee, which is part of the government...The Qataris... invited the mission in order to manufacture a media storm, in order to distract from the reasons that led the

³ See footnote 2.

Qataris into this difficult situation with regards to the boycott, for which the Qatari government is ultimately responsible, and did so in an effort to deflect responsibility onto the four countries imposing the boycott...Yes, the reports—or, the proof is that the report, before it went reached the four countries imposing the boycott, before it was officially published by the United Nations, before the High Commission for Human Rights issued a statement or report to the media via its public relations department, it was leaked by the Qatari Human Rights Committee to the Qatari media on the 8th of January...Before it reached the headquarters of the High Commission in Geneva”.

Suheil al-Zabidi:

“It is well-known that when a human rights mission from the Office of the High Commissioner for Human Rights goes to a country like Qatar, a country with many human rights issues, thousands of workers suffer from a lack of, uh, whose rights are being curtailed, six thousand Qatari citizens had their citizenship withdrawn in broad daylight and were dumped at the border, the Kingdom of Saudi Arabia took care of them, which is admirable, but, how could this delegation debate international political relations, and skip domestic Qatari matters?”

Suheil al-Zabidi:

“There is a threat to national security, Qatar promotes hatred, racism and sectarianism through its media...Their lack of knowledge of the political background, how can an organisation issue a report in good faith, without knowing?”

Dr. Ammar Ali Hassan:

“Despite the fact that this organisation has definitely developed expertise monitoring human rights in many countries and is aware of how human rights abuses follow from the economic, social, political and historical context, it completely ignored this for the report. It treated the symptoms rather than the disease. This is completely wrong. Even if the outcome is a difficult or bad situation, or one that is not conducive to the respect of human rights in Qatar, the result of the boycott, the Office of the High Commissioner should ask itself what led the people of Qatar to their current predicament? Is it the countries imposing the blockade, or is the blockade itself the result of deeper causes linked to Qatar’s support for terrorism? The Office of the High Commissioner did not ask that question...Before the crisis, was the human rights situation in Qatar positive? The third issue is, why did the delegation focus on the material circumstances linked to human rights issues in Qatar? And ignore the question of moral rights of the Qatari people, who have been oppressed for many years? People being stripped of their citizenship, the lack of freedom of expression, torture in prisons, the use of the money of the people of Qatar for the government’s risky gambles, these are all abuses of the rights of Qataris. The arrogance and superiority of the ruling family towards some of the tribes of Qatar, treating them as enemies. They stripped the citizenships of the members of an entire tribe! None of that is examined. It’s as if human rights abuses only started in Qatar

when the boycott was put in place. These events are the result of the actions of the government over around twenty years. Qatar is a state that has used the ample funds it receives from selling gas for political gambles and adventures outside of its own borders, through its extensive connections with extremist and terrorist organisations and networks”.

Fatima al-Ward:

“The regime of the two Hamads⁴ has used a policy of stripping people of their citizenship and forcing them to leave the country against Qatar’s tribes, while granting citizenship to terrorist entities and organisations. This arbitrary policy represents a violation of human rights in Qatar...Qatar is one of the world’s worst offenders in terms of violating workers’ right. Qatar has seen intense scrutiny of the situation of labourers there, including investigations by Amnesty International, Human Rights Watch and the Guardian, a British newspaper. This led to scandal over the widespread exploitation of migrant labourers in the country. Internationalising the Hajj pilgrimage and forbidding Qataris from fulfilling their religious obligation to carry out the Hajj is a blatant violation of human rights. Those who ignore this ban and go on the Hajj anyhow are punished and tortured, like Qatari pilgrim Hamad al-Mirri, who was arrested and tortured. The torture that occurs in Qatari detention centres and prisons demonstrates that a culture of violence and forced confessions remains widespread in Qatar. This represents a violation of human rights. A member of the Qatari regime threatened tribes opposed to the policies of the two Hamads on state TV with the use of poisonous bombs. This also represents a violation of human rights in Qatar. These are just a few of the human rights violations that were downplayed by the human rights report. The list goes on”.

Suheil al-Zabidi addressing Dr Ammar Ali Hassan:

“Isn’t spreading hatred, sectarianism and racism, as is done by al-Jazeera, itself part of the regime, isn’t this a crime punishable by law?”

Dr Muhammad Bati al-Shamsi:

“In my opinion, this report, we, in my opinion, and in the opinion of the Centre, this report [the OHCHR] was incomplete and [unclear], frankly, it wasn’t impartial. It was as if it represented the perspective of one party, that went to Qatar, and reviewed the situation there. The claims made in the report are not supported by evidence. The report should have had another appendix in which it listed the evidence supporting the claims made”.

⁴ Regime of the two Hamads: a reference to the former ruler of Qatar, Hamad bin Khalifa Al Thani, and the current ruler, Tamim bin Hamad Al Thani.

Suheil al-Zabidi:

"An organisation releasing a report like this raises suspicion, especially because they are linked to the Qatari regime, which has a long history of making payments as was the case with the World Cup. Will this expose them to questions in the future, if only internally?"

Dr Ammar Ali Hassan:

"...If the goal of inviting the commission, its visit to Doha and the resulting report, was propagandistic in nature, to be used by Qatar, whether internally, towards its own people, or externally, to make it look like it is being treated unfairly, and thereby absolve the government of blame, a tactic that it has learned from the Muslim Brotherhood. If the goal of all of this is propaganda, and to use the report in that propaganda, then that goal should be contested".

Suheil al-Zabidi:

"What is your evaluation of the image of these humanitarian organisations, is trust in them being eroded? Is their credibility undermined by publishing irresponsible reports on topics they have no authority to speak on?"

Dr Ammar Ali Hassan:

"Of course. International organisations are hardly impartial. They are biased. No one can forget how the Security Council was used in the enormous lie perpetrated by the United States to justify its attack on Iraq...One shouldn't think that these organisations are impartial agents of justice. Not at all. These organisations are sometimes influenced by money or biased, for many different reasons. Sometimes, those who fund them create a bias. Sometimes they fall into a trap, sometimes they react too quickly, and adopt policies that [unclear] the policies of states".

Suheil al-Zabidi:

"Some Arab writers and journalists are saying that the 'stench of Qatari gas money' is wafting up from this report".

The following captions were displayed during the programme:

"Human rights or laundering the reputation of the regime?"

"Qatari support for persons and organisations involved in international terrorism".

"Qatari violations of human rights. Violation of the workers' rights. Qatari prisons. Threats of bombs".

For the reasons set out in the Decision, it was Ofcom's view that this programme was dealing with matters of political or industrial controversy and matters relating to current public policy, namely the policies and actions of the OHCHR and Qatari Government in relation to

the OHCHR's report on human rights in Qatar. Ofcom considered the programme raised issues under Rule 5.5 of the Code which states:

“Due impartiality on matters of political or industrial controversy and matters relating to current public policy must be preserved... This may be achieved within a programme or over a series of programmes taken as a whole”.

We requested comments from the Licensee on how the programme complied with this rule.

Response

The Licensee said it regretted that the content gave rise to complaints to Ofcom, saying that it “always strives to provide balanced content and viewpoints”. ADMC argued that it believed the content complied with Rule 5.5 because “all the material in the broadcast are true and correct”. It explained that “[a]s the subject of the broadcast was a report on Qatari human rights issues, it was appropriate to present verifiable and accurate information on Qatar's documented human rights abuses”. It added that “many other media organizations have previously documented and covered the human rights violations committed by Qatar and described in the broadcast, including: (1) the revocation of citizenship on multiple occasions...(2) the mistreatment of migrant workers...; and, (3) support of extremist groups”. It added that “[i]t is also well-documented that Qatar is alleged to have paid bribes to FIFA officials in order to secure the 2022 World Cup”. The Licensee provided links to several news reports in support of these statements.

ADMC also argued that it believed it had “provided a fair and even presentation in pursuit of due impartiality, as required by Rule 5.5” by including in the programme excerpts of interviews “with a Qatari citizen regarding the Qatari government's practice of revoking citizenship” and “with a migrant worker affected by Qatari abuses of migrant labor”. It said it also included “original footage of a Qatari official advocating the use of chemical weapons against dissenting Qataris”.

The Licensee argued that, “[s]urely, the standard of due impartiality does not require ADMC to host a guest who would justify such a statement or attempt to refute other well-documented evidence. Offering a platform to such a voice would do nothing but present misinformation in support of Qatar's actions”.

ADMC referred to Ofcom's own guidance on Section Five, which states that “it will not always be necessary to present an opposing view which is at odds with the established view of the majority or inconsistent with established fact in order to preserve due impartiality”. The Licensee argued that “[n]ot only are the allegations against Qatar established fact, but as a broadcaster with its audience primarily in the United Arab Emirates, it is clear to us that the views presented in our broadcast are entirely consistent with the established view of the majority of residents and citizens of the United Arab Emirates”.

Finally, ADMC also made several corrections to the independent translation of the content that was commissioned by Ofcom. It explained that “a number of these mistranslations are directly related to matters at core of the issues raised” by Ofcom. The Licensee said that “the complaints and these mistranslations run the risk of misrepresenting the nature and tone of the broadcast and the nuance that exists in the original Arabic language of the broadcast”.⁵

⁵ Where Ofcom felt it was appropriate and after consulting an independent translator, it has revised the translation.

Decision

Reflecting our duties under the Communications Act 2003⁶, Section Five of the Code requires that the special impartiality requirements are met. Rule 5.5 requires that due impartiality is preserved on matters of political or industrial controversy and matters relating to current public policy.

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. Ofcom must seek to balance broadcasters' freedom to discuss any controversial subject or point of view in their programming, and compliance with Section Five.

The Code makes clear that the term "due" means adequate or appropriate to the subject matter. "Due impartiality" does not therefore mean an equal division of time must be given to every view, or that every argument must be represented. Due impartiality can be preserved in a number of ways and it is an editorial decision for the broadcaster as to how it ensures this.

Ofcom underlines that the broadcasting of highly critical comments concerning the policies and actions of any government or intergovernmental agency is not, in itself, a breach of due impartiality. However, depending on the specific circumstances, it may be necessary to reflect alternative viewpoints or provide context in an appropriate way to ensure that Section Five is complied with.

Ofcom's Guidance to Section Five ("the Guidance")⁷ makes clear that "whether or not due impartiality has been preserved will also be dependent on a range of factors such as: the nature of the programme the programme's presentation of its argument; the transparency of its agenda; the audience it is aimed at, and what the audience's expectations are". The Guidance also makes clear that "[i]f a service is broadcast outside the United Kingdom, this fact may be taken into account when considering the application of due impartiality. However, the due impartiality requirements of the Code still apply to such services".

Applicability of Rule 5.5

Ofcom first considered whether Rule 5.5 applied in this case – that is whether the programme concerned matters of political or industrial controversy or matters relating to current public policy.

The programme was a debate about the findings of a recent report from the OHCHR on the impact of the Gulf Crisis on Human Rights⁸. In particular, the programme criticised the fact that the report did not address alleged violations of human rights by the Qatari state. By way of example, the programme referred to: *"6,000 Qataris who had their citizenship stripped before being dumped at the Qatari border"* and *"the cases of Asians constructing football stadiums, who work for scraps and whose mistreatment led to international protest"* and *"not to mention the torture of Qatari pilgrims, or the threat made on-air by a Qatari official*

⁶ <http://www.legislation.gov.uk/ukpga/2003/21/section/319>

⁷ https://www.ofcom.org.uk/_data/assets/pdf_file/0018/24534/section5.pdf

⁸ See footnote 2.

to use chemical weapons against the country's own people". The programme also criticised the OHCHR for *"their lack of knowledge of the political background, how can an organisation issue a report in good faith, without knowing?"* and implied that the delegation of the OHCHR had been influenced by the Qatar state to write a report that would show Qatar in a favourable light.

Given that the programme outlined serious allegations about a report on human rights in Qatar produced by the OHCHR, an international intergovernmental institution, and the related allegations that the Qatari state was violating human rights were clearly matters of political controversy and matters of current public policy. Rule 5.5 was therefore engaged.

The preservation of due impartiality

As set out above, this programme included various highly critical statements about the OHCHR and its report on human rights in Qatar. Specifically, it was implied that the Qatari state influenced the OHCHR to produce a report downplaying the country's alleged violations of human rights and that the purpose of the report *"was to launder the reputation of the [Qatari] regime, instead of working on human rights issues"*.

On a related matter, there were various statements which were highly critical of the policies and actions of the Qatari state and its institutions. The various statements alleged that the Qatari state:

- had violated human rights, for example: *"the torture of Qatari pilgrims, or the threat made on-air by a Qatari official to use chemical weapons against the country's own people"*; *"Qatari people who have been oppressed for many years? People being stripped of their citizenship, the lack of freedom of expression, torture in prisons, the use of money of the people of Qatar for the government's risky gambles, these are all abuses of the rights of Qataris"*; and, *"[t]he regime of the two Hamads has used a policy of stripping people of their citizenship and forcing them to leave the country against Qatar's tribes, while granting citizenship to terrorist entities and organisations. This arbitrary policy represents a violation of human rights in Qatar"*;
- was corrupt, for example: *"Arab journalists wrote about the Jewish public relations firm entrusted with laundering Qatar's international reputation, as well as the Qatari regime's involvement and expertise in corruption, including with regards to the World Cup"*;
- supported terrorism, for example: *"Qatar is a state that has used the ample funds it receives from selling gas for political gambles and adventures outside of its own borders, through its extensive connexion with extremists and terrorist organisations and networks"*; and,
- promoted *"hatred, racism and sectarianism through its media"*.

The viewpoints expressed in this edition of the programme were clearly highly critical of the policies and actions of the OHCHR and the Qatari state. Ofcom was therefore of the view that the OHCHR's and the Qatari state's viewpoints in response to such critical references should have been reflected to ensure due impartiality was preserved. We could not find any references to the viewpoints of either the OHCHR or the Qatar state in the programme in relation to the issues discussed. Further, the Licensee did not provide any example of these viewpoints being represented in the programme, or in a series of programmes taken i.e.

more than one programme in the same service, editorially linked, dealing with the same or related issues within an appropriate period and aimed at a like audience.

For due impartiality to be preserved, alternative viewpoints, for example those that defended or explained the policies and actions of the OHCHR and the Qatari state on the issues under discussion, should have been included. We took into consideration the Licensee's representations that "many other media organizations have previously documented and covered the human rights violations committed by Qatar and described in the broadcast" and that "offering a platform to [a voice that would attempt to justify or refute well-documented evidence] would do nothing but present misinformation in support of Qatar's actions". However, just because particular critical statements about an entity or a state may be true or partially true does not remove the need to reflect alternative viewpoints to preserve due impartiality. The Licensee was free to broadcast a programme containing criticisms of the OHCHR's and the Qatari state's policies and actions. However, in doing so, ADMC needed to comply with the Code, including that due impartiality was preserved. In this case, all the views expressed in the programme, including the presenters', were implicitly or explicitly highly critical of the policies and actions of the OHCHR and the Qatar's state and they were not adequately challenged, nor was sufficient context provided to preserve due impartiality.

Ofcom also took into account ADMC's representations that it included parts of interviews "with a Qatari citizen regarding the Qatari government's practice of revoking citizenship" and "with a migrant worker affected by Qatari abuses of migrant labor", as well as "original footage of a Qatari official advocating the use of chemical weapons against dissenting Qataris". However, we did not consider that these statements provided an alternative viewpoint to the highly critical viewpoint presented by the programme about the policies and actions of either the OHCHR and/or the Qatari state and its institutions.

ADMC argued that, "[s]urely, the standard of due impartiality does not require ADMC to host a guest who would justify such a statement or attempt to refute other well-documented evidence. Offering a platform to such a voice would do nothing but present misinformation in support of Qatar's actions". Consistent with the broadcaster's editorial freedom, the preservation of due impartiality does not necessarily require alternative viewpoints to be reflected by interviewing a guest who holds or represents those viewpoints. There are various editorial techniques that broadcasters could use to preserve due impartiality, such as, for example, the presenter summarising the position of the relevant alternative viewpoint, or a commentator, expert or academic being interviewed.

The Licensee also argued that its audience was primarily in the United Arab Emirates and the views presented in the broadcast were "entirely consistent with the established view of the majority of residents and citizens of the United Arab Emirates". However, just because the majority of the audience may share the same viewpoint as the provider of the service does not lessen the requirement on that service to reflect alternative viewpoints as appropriate. In this case, the programme gave a one-sided view which was highly critical of several policies and actions of the OHCHR and the Qatari state. Further, it did not provide sufficient alternative viewpoints in order to ensure that neither side of a debate relating to matters of political controversy and matters relating to current public policy was unduly favoured.

In its comments on the accuracy of the translation of this programme, ADMC argued that "these mistranslations run the risk of misrepresenting the nature and tone of the broadcast and the nuance that exists in the original Arabic language of the broadcast". We carefully

considered ADMC's comments and, where appropriate, took them into account for the purpose of this investigation. However, overall, the Licensee's suggested changes did not, in our view, materially change the fact that the programme included a large number of highly critical statements about the OHCHR and the Qatari state without adequately reflecting alternative viewpoints about the matters under discussion.

Given all the above, Ofcom's Decision is that the Licensee failed to preserve due impartiality in breach of Rule 5.5.

Breach of Rule 5.5

In Breach

North East Live

Made in Tyne and Wear, 30 March 2018, 18:20

Introduction

Made in Tyne and Wear is a local television channel for Newcastle and the surrounding areas. The Licence for the service is held by Made Television Limited ("Made TVL" or "the Licensee").

North East Live is a magazine programme that is described in the Electronic Programme Guide as providing "Entertainment and information for the North East". It includes a regular feature called *Agony Anna* in which viewers contact an agony aunt ("Anna") about an issue they are facing in their personal lives. We received a complaint from a viewer that this episode included a discussion about sexual matters that was inappropriate for the time of broadcast.

Agony Anna began with Anna reading aloud a letter from a viewer, interjecting with her own comments as she read. She said:

"My husband won't have sex with me anymore'. Damn! Why? 'Any time I express interest or try and be amorous, he'll say that he's too stressed, or that he feels bloated—last week he blamed the dogs'—what do the dogs have to with it? That's the question that I want to be asking— 'because he doesn't like doing it when he can hear them. Are these just excuses because he doesn't want me?'"

Anna then said:

"This is one of the worst things in the world. My normal head self would say 'get yourself to Ann Summers, splash out on the joint account, have some absolute bants, buy loads of good stuff and utter tat and just see...I mean for a guy to not want it. Where is he getting it from? I mean hopefully, and one can only really hope, and I am genuinely fingers crossing that it's not the dogs, because usually its totally the other way around. I would talk to him. I would ask. I would maybe try one more time at having another go of like initiating something. Maybe go to Ann Summers and splash out. Maybe he might have some sort of like, fetish, and you're just not floating his boat in that way and that's what you need to do. Sexual parts of relationships need to be spoken about. You need to talk about it otherwise you don't know what the other person wants. Talk about it, get yourself to Ann Summers and put the dogs in the garage. Fingers crossed".

Ofcom considered the material raised issues under Rule 1.3 of the Code:

Rule 1.3: "Children must... be protected by appropriate scheduling from material that is unsuitable for them".

We therefore requested comments from the Licensee about how the content complied with this rule.

Response

The Licensee referred to BARB¹ data, which reported that during the first quarter of 2018 less than 10% of *Made in Tyne and Wear*'s audience was under the age of 16. The Licensee therefore considered that it could "confidently schedule...*Agony Anna*, with a reasonable assumption that it is unlikely to be seen by children".

The Licensee said that the tone of *Agony Anna* is "meant to be light-hearted and playful" and explained that it has "only a very euphemistic approach to discussing adult themes". Although Made TVL acknowledged that some of the topics covered in the series were "adult", it considered subjects are discussed "in a light-hearted way with a sensible proposal for how the viewer might rectify their respective issue".

Regarding this particular episode of *Agony Anna*, the Licensee said that "Anna hints at sexually inappropriate behaviour but this is purely by implication and not communicated explicitly". The Licensee therefore believed it highly unlikely that "children viewing would have understood the implication".

Decision

Reflecting our duties under the Communications Act 2003², Section One of the Code requires that people under eighteen are protected from unsuitable material in programmes.

Ofcom has taken account of the audience's and broadcaster's right to freedom of expression set out in Article 10 of the European Convention on Human Rights.

Rule 1.3 requires broadcasters to ensure that children are protected from the broadcast of material that is unsuitable for them by scheduling content appropriately. Appropriate scheduling is judged by a number of factors including: the nature of the content; the time of broadcast; and likely audience expectations.

Ofcom first considered whether the material in this case was unsuitable for children.

This programme dealt with the issue of a viewer whose husband did not want to have sex with her. Anna's advice included multiple references to the shop Ann Summers and the possibility that the viewer's husband might have a "fetish". She also appeared to imply humorously that the viewer's husband might be engaging in sexual activity with the couple's pet dogs. We acknowledged that much of the discussion was euphemistic, however in our view, the overall tone and language used meant that many children in the audience would have understood the sexualised nature of the discussion.

We did not consider that this was an appropriate topic of discussion for younger audiences and, in our view, it was unsuitable for children.

Ofcom next considered whether the content was appropriately scheduled.

¹ The Broadcasters' Audience Research Board (BARB) compiles audience measurement and television ratings in the United Kingdom

² <http://www.legislation.gov.uk/ukpga/2003/21/section/319>

The item was broadcast at 18:20 on a bank holiday. Although the Licensee outlined that BARB data for the first quarter of 2018 indicated that less than 10% of this channel's audience is under 16, we considered that this programme was broadcast at a time when younger viewers were likely to be watching. We also considered expectations about material broadcast at this time of day and considered that parents would not expect content of this nature to be broadcast in the early evening, particularly during a programme that is promoted featuring "*entertainment and information for the North East*" and is broadcast on a local television service.

Therefore, our Decision is that the material was inappropriately scheduled and breached Rule 1.3.

Breach of Rule 1.3

In Breach

Indian Law

KTV, 14 January 2018, 19:30

Introduction

KTV is a religious and cultural channel aimed at the Sikh community in the UK and Europe. The licence for KTV is held by Khalsa Television Limited (“Khalsa Television” or “the Licensee”).

Indian Law is a consumer advice programme during which the presenter and a guest legal expert answer questions from callers about aspects of Indian law, including immigration and property disputes.

Ofcom received a complaint that the programme included promotional references to the guest’s business. As the programme was in Punjabi Ofcom translated the content into English.

At the start of the programme the presenter said:

“There was heavy demand from our viewers that we produced a programme dealing with Indian Law. In particular, focusing on the property disputes that we have in the Punjab, and to take a closer look at this subject. It is for this reason that we have with us today in the studio Rajiv Sharma, who is a specialist in Indian Law and immigration. He has his offices in Wolverhampton and Birmingham”.

At 25 minutes into the programme the presenter said:

“I would like to remind our viewers of Rajiv Sharma’s phone number and if you haven’t written it down, please grab a pen and paper and write this mobile phone number down. Rajiv Sharma’s phone number is [phone number], this is their phone number and I will repeat the number in Punjabi [repeated in Punjabi]. This is Rajiv Sharma’s mobile phone number, and if someone has committed fraud, or seized your land then you can contact us during this show as we are taking live calls, but if you want to keep your call secret then you can contact Rajiv Sharma direct and explain your problem”.

At 27 minutes into the programme there were the following statements:

Presenter: *“Going to the next question, and it is a direct question, what is different about you, compared to all the other lawyers, what special service do you offer?”*

Rajiv Sharma: *“There are some things Daljit, for instance, like litigation. In the case of litigation, we have experience of both types, for instance drafting is very important if you want to lodge case. For example, we have seen people fighting over 20 Marlas¹ even 30 Marlas for over 20 years and then after all*

¹ Marla: Unit of measurement (land)

that effort losing the case. We see from this the importance of getting the drafting right. Now as I have already said we have these skills. For example, my father is a senior advocate in the High Court, and I am a lawyer over here [in the UK]. I do all the case preparation over here. I do all the fact finding and collating all the details, so that nothing is missed. Everything is properly addressed, it's not as if we just discuss over a phone call. We have high-tech tools at our disposal and use them to keep our clients fully informed and abreast of everything. We will tell them exactly where their case has been listed, so that they can automatically check the dates of their hearing. Many people are having to deal with a one-man operation where the same person has to do everything including answering phone calls etc. We have a dedicated team whose sole function is to keep clients fully informed on the status of their case. It's the quality of service that we offer, and we will give them the best possible service. Some people who are not as experienced might send a junior person, and that person has to deal with 10 cases listed at court. We don't do that. We address this at every stage [of the case], and at the pleading stage we send a senior lawyer. Of course, if it is simply a case of filing a petition then we would send a junior lawyer, but they too work under the supervision of someone more senior. As far as quality of service is concerned we are one of ones who can give you the best representation. We can carry out property and land searches. One of the issues that is on the rise is that problem of ancillary relief. Where someone gets divorced over here and declares that they have no assets in India. As a result, the other partner will allege that a person has property [in India] and we can help resolve that matter too, and we can help you with that in terms of all your dealings with the courts, and this issue of concealing of the assets is wrong. In addition we help with international child protection issues in the courts, for instance where children are taken to India, but we will talk about that in more detail in the next programme".

Presenter: *"Now you can contact Rajiv Sharma whenever you want, if you have any issue regarding property in any part of India, and Rajiv Sharma can help you with any such problem, and you can contact him direct and we will be here for you at this time every Sunday, and Rajiv Sharma will try and help you and if he is able to help you during the programme he will do so. So, Rajiv we have run out of time but if you want to say anything now at the end of the programme please do so now".*

Rajiv Sharma: *"Look we are part of the local community. I haven't just arrived here, I have been here some time now, and have been part of the community and have helped the community a great deal, particularly in immigration matters. So, if you have a problem we will be happy to assist. The purpose of the show is to recognise the problems that we have, and to offer advice on how we can solve these problems".*

We requested information from the Licensee about any commercial arrangements associated with the appearance of the guest and these references. Based on the information provided, Ofcom considered that the material raised issues under the following Code rules:

Rule 9.4: *"Products, services and trade marks must not be promoted in programming".*

Rule 9.5: “No undue prominence may be given in programming to a product, service or trade mark. Undue prominence may result from:

- the presence of, or reference to, a product, service or trade mark in programming where there is no editorial justification; or
- the manner in which a product, service or trade mark appears or is referred to in programming”.

We therefore asked the Licensee for its comments on how *Indian Law* complied with these rules.

Response

When the Licensee responded to Ofcom's request for information about commercial arrangements associated with the appearance of the guest and references to his business, it said he “had no intentions to profit or promote himself by giving his telephone number in the show, but instead to help people in the community with free advice for their issues regarding Immigration and Indian Law”.

The Licensee did not respond to Ofcom's request for formal comments.

Decision

Reflecting our duties under the Communications Act 2003², Section Nine of the Code limits the extent to which commercial references can feature within television programming. This ensures there is a distinction between advertising and programming, and prevents broadcasters exceeding the limits on the amount of time they are allowed to use for advertising.

Section Nine does not proscribe all references to products and services in programmes. However, it does require all such references to be justified by the editorial requirements of a programme and not to be promotional or unduly prominent.

Rule 9.4

Rule 9.4 states that products, services and trade marks must not be promoted in programming. Ofcom's published guidance³ on Rule 9.4 explains: “Where a reference to a product or service features in a programme for purely editorial reasons, the extent to which a reference will be considered promotional will be judged by the context in which it appears. In general, products or services should not be referred to using favourable or superlative language...”.

² <http://www.legislation.gov.uk/ukpga/2003/21/section/319> and <http://www.legislation.gov.uk/ukpga/2003/21/section/320>

³ https://www.ofcom.org.uk/data/assets/pdf_file/0014/33611/section9_may16.pdf

Rule 9.5

Rule 9.5 states that no undue prominence may be given in programming to a product, service or trade mark. Rule 9.5 makes clear that undue prominence may result from a reference to a product, service or trade mark where there is no editorial justification, or from the manner in which a product, service or trade mark is referred to. Ofcom's published Guidance⁴ on Rule 9.5 explains that "the level of prominence given to a product, service or trade mark will be judged against the editorial context in which the reference appears".

Ofcom recognises that viewer interaction is a key component of some programmes. In such content, there are clear editorial grounds for broadcasters to provide viewers with details of how to contact the programme. However, when promoting contact details on air, care is needed to ensure that editorial content is not used, or perceived as being used, for advertising purposes (e.g. to promote a particular business).

In this case, in providing viewers with the guest's mobile phone number, the presenter made clear that this was for the purpose of both getting advice from the guest during the programme as well as contacting him outside of the programme. Further, the presenter gave the guest the opportunity to talk at length about the unique characteristics of the service his business provided.

We considered that the invitation for viewers to call the guest after the programme had finished, on his personal contact numbers, and the references to the range and quality of service provided by the guest's business, were promotional. In our view, there was no editorial justification for these references.

Ofcom's Decision is therefore that that the programme was in breach of Rules 9.4 and 9.5 of the Code.

Breaches of Rules 9.4 and 9.5

⁴ See footnote 2

In Breach

Advertising minutage ***FreeSports, various dates and times between*** ***14 March 2018 and 23 April 2018***

Introduction

FreeSports is a sports channel. The licence for the service is held by Freesports Ltd ("Freesports" or "the Licensee").

Rule 2 of the Code on the Scheduling of Television Advertising (COSTA) states that:

"Time devoted to advertising and teleshopping spots on any channel in any clock hour must not exceed 12 minutes".

During routine monitoring Ofcom identified 11 instances when the amount of advertising broadcast on FreeSports appeared to exceed the permitted allowance. Ofcom considered that this raised issues under Rule 2 of COSTA and therefore sought comments from the Licensee as to how the content complied with this rule.

Response

The Licensee said that the instances were unintentional and the result of "honest mistakes" by staff. It explained that:

- in four instances, its scheduling system miscalculated the advertising minutage because programmes did not start on the hour;
- one incident was the result of manual miscalculation;
- in one instance, a programme was replaced by another at short notice and the advertising scheduled within breaks in the dropped programme was merged with the advertising scheduled within breaks in the replacement programme; and
- the remaining instances were owing to the duration of live programming being shorter or longer than expected. The Licensee said in these cases, advertising breaks were either brought forward into an earlier hour than planned, or pushed into the subsequent hour which resulted in these hours containing more advertising than permitted.

Freesports said it had made improvements to its systems so that warnings would alert staff of potential issues and prompt action could be taken before advertising is broadcast. The Licensee also pointed out that the average daily amount of advertising broadcast on FreeSports is well below the maximum stipulated in COSTA¹.

¹ Rule 3 of COSTA requires that non-public service channels transmit no more than an average of nine minutes of advertising for every hour that they are on-air each day.

Decision

Reflecting our duties under the Communications Act 2003², COSTA contains rules on the amount of advertising that can be broadcast, including a limit on the amount of advertising that can be shown during any clock hour.

Irrespective of the average amount of advertising Freesports transmits on a typical day, more than 12 minutes of advertising were broadcast in a clock hour on 11 occasions. Our Decision is therefore that the Licensee breached Rule 2 of COSTA.

In issue 349 of Ofcom's Broadcast and On Demand Bulletin³ published on 5 March 2018, Ofcom recorded breaches of Rule 2 of COSTA relating to 27 instances during which Freesports broadcast more than the permitted amount of advertising. In its response, Freesports explained that a significant number of these instances had resulted from the unexpected duration of live programming.

We were concerned that further instances have now occurred so soon after the first investigation. Also, for some of the instances identified in the current case, the Licensee has provided a similar explanation to the previous case. In addition, as in the first investigation, it appeared that Freesports was not aware that it had transmitted more advertising than permitted until it was notified by Ofcom.

In light of these concerns, we are requesting that the Licensee attends a meeting to discuss its approach to compliance in this area.

Breaches of Rule 2 of COSTA

² <http://www.legislation.gov.uk/ukpga/2003/21/section/322>

³ https://www.ofcom.org.uk/_data/assets/pdf_file/0018/111843/issue-349-broadcast-on-demand-bulletin.pdf

Resolved

Mid Mornings

Talk Radio, 8 March 2018, 10:00

Introduction

Mid Mornings is a discussion programme presented by Mike Graham and Katie Perrior, broadcast on the speech-based commercial radio station Talk Radio. The licence for this service is held by Wireless Group Media ("WGM" or "the Licensee").

Ofcom received a complaint about the following exchange between the presenters, who were responding to a news story about official statistics showing a rise in the number of people being jailed for knife crime:

Mike: *"We have a massive problem in this country, in the black community most young men are carrying knives, there's no question about that, and that is a tremendously bad situation to be in".*

Katie: *"Most of them?"*

Mike: *"Most of them, yeah. If you talk to black community leaders and you talk to –"*

Katie: *"Really?"*

Mike: *"– all the people who say that this is not being dealt with say it's not being dealt with because it's being seen very much as a racial issue".*

Katie: *"I don't know if they're all carrying knives, but there is obviously a rise in this problem".*

Mike: *"Well, there's an awful lot of knives being carried around".*

Katie: *"The mayor, Sadiq Khan, needs to do something about this. I'd really be very interested, it's not just in London, because this is a nationwide figure, I'd be interested in some cities that may be bucking the trend, how they're managing to do that".*

Mike: *"I don't know if any of them are, but we'll find out, we'll talk about that coming up later on..."*

We did not identify any additional discussion of Mike Graham's claim that *"in the black community most young men are carrying knives"* in this episode of the programme.

We considered that this content raised potential issues under Rule 2.3 of the Code:

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, offensive language, violence, sex, sexual*

violence, humiliation, distress, violation of human dignity, discriminatory treatment or language (for example on the grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation, and marriage and civil partnership). Appropriate information should also be broadcast where it would assist in avoiding or minimising offence”.

We therefore sought comments from WGM on how the content complied with this rule.

Response

The Licensee stated that in its view the programme was not in breach of Rule 2.3.

It described Mike Graham's statement that *“in the black community most young men are carrying knives”* as “unfortunate” and “loosely worded”: “With the benefit of hindsight, Graham regrets that this comment was loosely worded as a result of an unplanned subject being raised on the back of a breaking news story and that he intended to elaborate by pointing out that many young people carried knives for self-defence as their sole motivation”.

However, WGM also highlighted Katie Perrior's comments questioning Mike Graham's statement (*“Really?”* and *“I don't know if they're all carrying knives, but there is obviously a rise in this problem”*), which it described as a “robust challenge”. It also pointed out that Mike Graham had softened his position as a result of this intervention (*“Well, there's an awful lot of knives being carried around”*).

The Licensee said that Mike Graham did not intend to cause offence. In its view, his statement was “inaccurate” and “imprecise”, but it did not constitute discriminatory treatment on the grounds of race. It emphasised that this was an “impromptu, fleeting comment”, as opposed to a “prolonged, offensive outburst”. According to WGM, Katie Perrior had successfully corrected this inaccuracy, without dwelling on it unnecessarily in a way which would have exacerbated any potential offence.

WGM argued: “There is no doubt that the rise in knife crime is a hot talking point worthy of open debate and that it is also being seen and discussed as an issue that affects, albeit not exclusively, some black communities”. It added that in a subsequent episode of the programme, Mike Graham and Katie Perrior had facilitated a lengthy debate on this issue, in which race was not mentioned. The Licensee acknowledged that this episode of the programme was broadcast over a month later, and stated: “The idea of correcting or retracting the original statement [in the subsequent episode of the programme] would have been of questionable value, given the long time between the two programmes and the brief nature of the comment that is the subject of the debate”.

The Licensee said that it regretted the incident, and that it had spoken to Mike Graham and the producer of *Mid Mornings* to emphasise the importance of ensuring compliance with the Code, and in particular the need to take extra care when dealing with unplanned topics introduced in response to breaking news stories. In addition, WGM had arranged extra compliance training sessions for its staff. In its view, the subsequent episode of the programme, featuring a “wide-ranging” and “informative and balanced” discussion of knife crime, demonstrated the issue had been successfully resolved, and that lessons had been learned, to ensure that mistakes of this sort would not recur in the future.

Finally, the Licensee stated that it hoped Ofcom's action in this case would not lead to programme-makers and presenters being "intimidated into avoiding the issue of race when tackling the subject of knife crime".

Decision

Reflecting our duties under the Communications Act 2003¹, Section Two of the Code requires that generally accepted standards are applied to television content so as to provide adequate protection for members of the public from the inclusion of harmful or offensive material.

In reaching its Decision, Ofcom has taken account of the audience's and the broadcaster's right to freedom of expression as set out in Article 10 of the European Convention on Human Rights. Ofcom must seek an appropriate balance between ensuring members of the public are adequately protected from material which may be considered offensive on the one hand and the right to freedom of expression on the other.

Under the Equality Act 2010, Ofcom must also have due regard to the need to eliminate unlawful discrimination, to advance equality of opportunity and to foster good relations between those who share a relevant protected characteristic, such as race, and those who do not.

Under Rule 2.3, broadcasters must ensure that potentially offensive material is justified by the context. Context is assessed by reference to a range of factors including the editorial content of the programme, the service on which the material is broadcast, the time of broadcast and the likely expectation of the audience. The rule also states that appropriate information should be broadcast where it would assist in avoiding or minimising offence.

We first considered whether the content had the potential to cause offence.

In our view, Mike Graham's statement about "*most young men*" in the black community carrying knives perpetuated a discriminatory negative stereotype about young black men, by associating them with criminal activity. This had the potential to cause considerable offence.

We next considered whether this potential offence was justified by the context.

Ofcom recognises that audience expectations for a discussion programme broadcast on a speech-based radio station would include robust debate about topical and sometimes controversial issues, with presenters expressing their views in a forthright and provocative manner. Consistent with the right to freedom of expression, Ofcom recognises the importance of such content, provided that any potential offence is justified by the context.

WGM argued that a discussion about knife crime was editorially justified, and that this issue is often seen as affecting black communities. We acknowledged that following recent news reports, there was clear editorial justification for a discussion on knife crime and it was in principle legitimate to raise the question of race in relation to this subject. We also recognised that the statement was made in a live broadcast, in response to a breaking news story. However, the issue of race was introduced, unprompted, by the presenter himself and was not referred to in the news story.

¹ <http://www.legislation.gov.uk/ukpga/2003/21/section/319>

According to the Licensee, Mike Graham had not intended to cause offence, and had meant to go on to say that many young black men carried knives for self-defence. It also stated that his comment was brief and isolated, rather than forming part of a more sustained outburst. However, Ofcom must assess the content as broadcast.

The statement was unequivocal and presented as fact, as Mike Graham added "*there's no question about that*". Katie Perrior expressed scepticism about his claim, and this caused him to revise his position somewhat. However, he did not explicitly retract his comment, and in our view Katie's Perrior's response "*I don't know if they're all carrying knives*" did not fully correct or challenge it. The Licensee argued that dwelling on the comment unnecessarily could have exacerbated the potential offence, but in our view a more robust challenge or an explicit retraction would have been more likely to have a mitigating effect.

In addition, the debate about knife crime in a subsequent episode of the programme did not correct or retract the statement, or otherwise expand on it in a way which might have mitigated the potential offence. WGM said that because this episode of the programme was broadcast over a month later, it would not have made sense to include a correction or retraction. We considered that this demonstrated the limited relevance of the debate about knife crime in this subsequent episode of the programme.

We therefore considered that this discriminatory negative statement about young black men was not justified by the context.

However, Ofcom welcomed the fact that the Licensee had spoken to the presenter and the producer of the programme about this incident, and arranged extra compliance training for its staff. In light of these steps taken by WGM, we consider this matter resolved.

Resolved

Broadcast Licence Conditions cases

Resolved

Provision of information: Local TV annual returns data *Various licensees*

Introduction

Ofcom licenses 34 Local Digital Television Programme Services (L-DTPS) across the UK. These services are licensed to provide a local digital television service for the licensed area, in accordance with programming commitments which form part of the conditions of their licence.

Each local TV licensee is required to submit to Ofcom an annual return relating to the previous calendar year. These annual returns include information about the service's programming hours, revenue sources, expenditure, achievements throughout the year and significant challenges. As well as enabling Ofcom to assess the local TV sector as a whole, the information is used by Ofcom to fulfil its market reporting obligations.

Failure by a licensee to submit an annual report when required represents a serious and fundamental breach of a local TV licence, as the absence of the information contained in the report means that Ofcom is unable properly to carry out its regulatory duties.

Ofcom requested annual reports for the calendar year 2017 from all local TV licensees. During analysis of the data submitted, it was noted that the data received by four licensees was incomplete. Ofcom formally requested the re-submission of the relevant information. While the information was eventually provided, the deadline for providing this information was not met.

This provision of information is a licence requirement for L-DTPS licences as set out in Licence Condition 17(1) ("General provision of information to Ofcom") in Part 2 of the Schedule:

"The Licensee shall furnish to Ofcom in such manner and at such times as Ofcom may reasonably require such documents, accounts, returns, estimates, reports, notices or other information as Ofcom may require for the purpose of exercising the functions assigned to it by or under the 1990 Act, the 1996 Act, or the Communications Act".

Ofcom considered that this raised potential issues under Condition 17(1) set out above and requested comments from the licensees on how they were complying with this condition.

Response

A single response on behalf of all four licensees, explained that they had notified Ofcom that they were working on supplying the corrected data and that it would therefore be submitted after the deadline. The Licensees stated that the delay in providing the complete information to Ofcom was caused as the information request coincided with other time-critical activities.

Resolved

The following licensees failed to submit the required information in accordance with the deadline, but subsequently provided a late re-submission. For these licensees, we therefore consider the matter resolved, under licence condition 17(1) of the L-DTPS licence.

Licensee	Service Name	Licence Number
Bay TV Swansea Limited	That's Swansea Bay	L-DTPS100082
That's Salisbury Limited	That's Salisbury Limited	L-DTPS100229
That's Solent Limited	That's Solent	L-DTPS000007
YourTV Preston Limited	That's Lancashire	L-DTPS000019

Investigations Not in Breach

Here are alphabetical lists of investigations that Ofcom has completed between 11 and 24 June 2018 and decided that the broadcaster or service provider did not breach Ofcom's codes, rules, licence conditions or other regulatory requirements.

Investigations conducted under the Procedures for investigating breaches of content standards for television and radio

Programme	Service	Transmission date	Categories
On the Buses	ITV3	24/01/2018	Generally accepted standards
James O'Brien (trailer)	LBC 97.3 FM	06/02/2018	Materially misleading

For more information about how Ofcom conducts investigations about content standards on television and radio programmes, go to:

https://www.ofcom.org.uk/_data/assets/pdf_file/0020/55109/breaches-content-standards.pdf

Complaints assessed, not investigated

Here are alphabetical lists of complaints that, after careful assessment, Ofcom has decided not to pursue between 11 and 24 June 2018 because they did not raise issues warranting investigation.

Complaints assessed under the Procedures for investigating breaches of content standards for television and radio

Programme	Service	Transmission Date	Categories	Number of complaints
Nightmare Tenants	5Spike	29/05/2018	Sexual material	1
Charity 4 Yaar foundation	A1TV	27/05/2018	Appeals for funds	1
24 Hours in Police Custody	Channel 4	18/06/2018	Materially misleading	1
Bake Off: The Professionals	Channel 4	10/06/2018	Offensive language	1
Flowers	Channel 4	12/06/2018	Sexual material	1
Gogglebox	Channel 4	01/06/2018	Disability discrimination/offence	1
Hollyoaks	Channel 4	05/06/2018	Sexual material	1
Naked Attraction	Channel 4	03/06/2018	Nudity	1
Ramadan Reflections	Channel 4	08/06/2018	Generally accepted standards	1
Ramadan Reflections	Channel 4	10/06/2018	Religious/Beliefs discrimination/offence	1
Ramadan Reflections	Channel 4	13/06/2018	Religious/Beliefs discrimination/offence	1
Supershoppers	Channel 4	07/06/2018	Due impartiality/bias	1
Supershoppers	Channel 4	07/06/2018	Materially misleading	1
The Big Narstie Show (trailer)	Channel 4	16/06/2018	Race discrimination/offence	1
The Big Narstie Show (trailer)	Channel 4	18/06/2018	Generally accepted standards	1
The Big Narstie Show (trailer)	Channel 4	19/06/2018	Generally accepted standards	2
The Big Narstie Show (trailer)	Channel 4	19/06/2018	Race discrimination/offence	1
The Handmaid's Tale	Channel 4	20/05/2018	Generally accepted standards	2
The Handmaid's Tale	Channel 4	10/06/2018	Suicide and self harm	1
Tricks of the Restaurant Trade	Channel 4	14/05/2018	Materially misleading	1
Can't Pay, We'll Take It Away	Channel 5	04/06/2018	Generally accepted standards	1
Channel 5 News	Channel 5	31/05/2018	Due impartiality/bias	1
Channel 5 News	Channel 5	07/06/2018	Due impartiality/bias	1

Programme	Service	Transmission Date	Categories	Number of complaints
Hot Body, Hot Yoga	Channel 5	05/06/2018	Nudity	3
Naughty Cats Make You LOL	Channel 5	03/06/2018	Animal welfare	1
Neighbours	Channel 5	29/05/2018	Gender discrimination/offence	1
Panic in the Skies: Midair Mayhem	Channel 5	08/06/2018	Offensive language	1
The Hotel Inspector	Channel 5	12/06/2018	Religious/Beliefs discrimination/offence	2
The Hotel Inspector – The Walkout	Channel 5	05/06/2018	Offensive language	1
The Wright Stuff	Channel 5	24/05/2018	Animal welfare	7
The Wright Stuff	Channel 5	07/06/2018	Generally accepted standards	1
Traffic Cops – On the Edge	Channel 5	29/05/2018	Offensive language	1
News	CHSTV	12/06/2018	Nudity	1
Mr Bean The Animated Series	CITV	02/06/2018	Generally accepted standards	1
Classic FM News	Classic FM	24/05/2018	Generally accepted standards	1
Advertisement	Clyde 1	21/06/2018	Advertising placement	1
Gavin and Stacey	Dave	16/06/2018	Offensive language	1
Taskmaster	Dave	14/06/2018	Generally accepted standards	1
Mid-Morning Show	Deveron FM	14/05/2018	Offensive language	1
Hollyoaks	E4	11/06/2018	Disability discrimination/offence	1
The Walking Dead	Fox	Various	Violence	1
Rugby AM Live	FreeSports	02/06/2018	Promotion of products/services	1
Forged in Fire	History	15/06/2018	Dangerous behaviour	1
Knife or Death (trailer)	History	09/05/2018	Violence	1
Britain's Got Talent	ITV	29/05/2018	Flashing images/risk to viewers who have PSE	1
Britain's Got Talent	ITV	03/06/2018	Sexual material	3
Coronation Street	ITV	01/06/2018	Violence	1
Coronation Street	ITV	08/06/2018	Harm	1
Coronation Street	ITV	08/06/2018	Violence	1
Coronation Street	ITV	11/06/2018	Drugs, smoking, solvents or alcohol	1
Dickinson's Real Deal	ITV	11/06/2018	Competitions	1
Emmerdale	ITV	12/06/2018	Crime and disorder	2
Good Morning Britain	ITV	15/05/2018	Race discrimination/offence	1

Programme	Service	Transmission Date	Categories	Number of complaints
Good Morning Britain	ITV	25/05/2018	Due impartiality/bias	1
Good Morning Britain	ITV	06/06/2018	Generally accepted standards	1
Good Morning Britain	ITV	11/06/2018	Due impartiality/bias	1
Good Morning Britain	ITV	11/06/2018	Race discrimination/offence	1
Good Morning Britain	ITV	12/06/2018	Generally accepted standards	1
Good Morning Britain	ITV	13/06/2018	Gender discrimination/offence	1
Good Morning Britain	ITV	13/06/2018	Race discrimination/offence	1
Good Morning Britain	ITV	14/06/2018	Generally accepted standards	2
Good Morning Britain	ITV	15/06/2018	Gender discrimination/offence	1
Good Morning Britain	ITV	15/06/2018	Sexual material	2
Good Morning Britain	ITV	18/06/2018	Generally accepted standards	2
ITV News	ITV	23/05/2018	Offensive language	4
ITV News	ITV	25/05/2018	Due impartiality/bias	1
ITV News	ITV	30/05/2018	Due impartiality/bias	1
ITV News	ITV	31/05/2018	Due impartiality/bias	1
ITV News	ITV	05/06/2018	Generally accepted standards	1
Judge Rinder's Crime Stories	ITV	21/05/2018	Materially misleading	1
Live International Football	ITV	02/06/2018	Generally accepted standards	2
Live International Football	ITV	07/06/2018	Race discrimination/offence	1
Peston on Sunday	ITV	06/05/2018	Race discrimination/offence	1
Soccer Aid for UNICEF	ITV	10/06/2018	Charity appeals	1
Soccer Aid for UNICEF	ITV	10/06/2018	Disability discrimination/offence	1
Soccer Aid for UNICEF	ITV	10/06/2018	Offensive language	3
Take Me Out	ITV	09/06/2018	Age discrimination/offence	3
Tennis: French Open Live	ITV	09/06/2018	Generally accepted standards	3
The Chase	ITV	07/06/2018	Race discrimination/offence	1
The Chase	ITV	12/06/2018	Race discrimination/offence	1

Programme	Service	Transmission Date	Categories	Number of complaints
The Fast Fix: Diabetes	ITV	13/06/2018	Harm	1
The Fast Fix: Diabetes	ITV	14/06/2018	Materially misleading	2
The Jeremy Kyle Show	ITV	01/06/2018	Race discrimination/offence	1
The Martin Lewis Money Show Live	ITV	12/06/2018	Materially misleading	1
This Morning	ITV	24/05/2018	Gender discrimination/offence	1
This Morning	ITV	30/05/2018	Generally accepted standards	1
World Cup 2018	ITV	17/06/2018	Generally accepted standards	1
World Cup 2018 (trailer)	ITV	05/06/2018	Generally accepted standards	1
World Cup 2018 (trailer)	ITV	07/06/2018	Violence	1
World Cup 2018 (trailer)	ITV	09/06/2018	Generally accepted standards	1
World Cup 2018 (trailer)	ITV	10/06/2018	Generally accepted standards	1
World Cup 2018 Opening Ceremony	ITV	14/06/2018	Offensive language	1
World Cup 2018: Argentina v Iceland	ITV	16/06/2018	Advertising minutage	1
World Cup 2018: Costa Rica v Serbia	ITV	17/06/2018	Gender discrimination/offence	1
ITV Anglia News	ITV Anglia	16/05/2018	Due accuracy	1
ITV News London	ITV London	29/05/2018	Due accuracy	1
Celebrity Juice	ITV2	07/06/2018	Generally accepted standards	1
Celebrity Juice	ITV2	15/06/2018	Generally accepted standards	1
Coronation Street	ITV2	31/05/2018	Violence	1
Coronation Street Omnibus	ITV2	03/06/2018	Violence	2
Love Island	ITV2	04/06/2018	Generally accepted standards	1
Love Island	ITV2	07/06/2018	Generally accepted standards	2
Love Island	ITV2	08/06/2018	Due impartiality/bias	1
Love Island	ITV2	08/06/2018	Generally accepted standards	1
Love Island	ITV2	10/06/2018	Generally accepted standards	1
Love Island	ITV2	11/06/2018	Generally accepted standards	1

Programme	Service	Transmission Date	Categories	Number of complaints
Love Island	ITV2	12/06/2018	Generally accepted standards	1
Love Island	ITV2	17/06/2018	Sexual material	2
You've Been Framed! Gold	ITV2	06/05/2018	Race discrimination/offence	1
Botched	Kanal 11 (Sweden)	21/05/2018	Gender discrimination/offence	1
Botched	Kanal 11 (Sweden)	25/05/2018	Nudity	1
Botched	Kanal 11 (Sweden)	28/05/2018	Gender discrimination/offence	1
Botched	Kanal 11 (Sweden)	01/06/2018	Gender discrimination/offence	1
Botched	Kanal 11 (Sweden)	02/06/2018	Gender discrimination/offence	1
Botched	Kanal 11 (Sweden)	08/06/2018	Gender discrimination/offence	1
Botched	Kanal 11 (Sweden)	09/06/2018	Gender discrimination/offence	1
Botched	Kanal 11 (Sweden)	11/06/2018	Nudity	1
Botched	Kanal 11 (Sweden)	14/06/2018	Nudity	1
Plastikturisterna	Kanal 11 (Sweden)	25/05/2018	Nudity	1
Plastikturisterna	Kanal 11 (Sweden)	31/05/2018	Gender discrimination/offence	1
Plastikturisterna	Kanal 11 (Sweden)	01/06/2018	Gender discrimination/offence	1
Plastikturisterna	Kanal 11 (Sweden)	08/06/2018	Gender discrimination/offence	1
Plastikturisterna	Kanal 11 (Sweden)	14/06/2018	Nudity	1
Clive Bull	LBC 97.3 FM	03/06/2018	Race discrimination/offence	1
James O'Brien	LBC 97.3 FM	15/05/2018	Generally accepted standards	1
James O'Brien	LBC 97.3 FM	07/06/2018	Generally accepted standards	2
James O'Brien	LBC 97.3 FM	08/06/2018	Generally accepted standards	1
James O'Brien	LBC 97.3 FM	13/06/2018	Generally accepted standards	1
Nick Ferrari	LBC 97.3 FM	07/06/2018	Generally accepted standards	1
Nigel Farage	LBC 97.3 FM	11/06/2018	Due impartiality/bias	4
Nigel Farage	LBC 97.3 FM	13/06/2018	Due impartiality/bias	1
Competition "I'm listening to Magic"	Magic Radio	15/05/2018	Competitions	1
News	Mansfield 103.2	23/04/2018	Due impartiality/bias	1

Programme	Service	Transmission Date	Categories	Number of complaints
8 Out of 10 Cats Does Countdown	More4	08/06/2018	Offensive language	1
Just Tattoo of Us	MTV	21/05/2018	Generally accepted standards	2
Programming	n/a	01/06/2018	Generally accepted standards	1
Results of the Week	NTV Mir Lithuania	18/02/2018	Materially misleading	1
The Tale	Sky Atlantic	05/06/2018	Generally accepted standards	1
Midnight Express	Sky Cinema	11/05/2018	Race discrimination/offence	1
Harry and Meghan: A Love Story	Sky News	18/05/2018	Race discrimination/offence	1
Sky News	Sky News	25/04/2018	Due impartiality/bias	1
Sky News	Sky News	19/05/2018	Race discrimination/offence	2
Sky News	Sky News	24/05/2018	Due accuracy	1
Sky News	Sky News	13/06/2018	Generally accepted standards	2
Sky News	Sky News	14/06/2018	Harm	1
Sky News	Sky News	16/06/2018	Due accuracy	1
Sky Sports HQ	Sky Sports News	08/06/2018	Offensive language	1
Sky Sports News	Sky Sports News	12/06/2018	Animal welfare	1
Evening Bollywood movie	Sony Max	09/06/2018	Religious/Beliefs discrimination/offence	1
Late Night Alternative with Iain Lee	Talk Radio	24/05/2018	Generally accepted standards	1
Alan Brazil Sports Breakfast	Talksport	25/05/2018	Animal welfare	1
Alan Brazil Sports Breakfast	Talksport	15/06/2018	Race discrimination/offence	1
Extra Time	Talksport	18/06/2018	Religious/Beliefs discrimination/offence	1
Hawksbee and Jacobs	Talksport	05/06/2018	Generally accepted standards	1
Special Report – International Debate	The Sikh Channel	20/04/2018	Religious/Beliefs discrimination/offence	1
TMCR Breakfast with Malcolm Ley	TMCR Radio	21/06/2018	Materially misleading	1
Eastern Promises	TV1000	27/03/2018	Violence	1
The Nice Guys	TV6 (Sweden)	07/06/2018	Gender discrimination/offence	1
Frank Mitchell	U105	14/05/2018	Generally accepted standards	1

For more information about how Ofcom assesses complaints about content standards on television and radio programmes, go to:

https://www.ofcom.org.uk/data/assets/pdf_file/0020/55109/breaches-content-standards.pdf

Complaints assessed under the Procedures for investigating breaches of content standards on BBC broadcasting services and BBC ODPS.

Programme	Service	Transmission Date	Categories	Number of complaints
BBC News	BBC 1	09/01/2018	Gender discrimination/offence	1
BBC Weather	BBC 1	11/02/2018	Promotion of products/services	1
Question Time	BBC 1	Various	Due impartiality/bias	1
Reporting Scotland	BBC 1 Scotland	09/01/2018	Due impartiality/bias	1
Daily Politics	BBC 2	09/05/2017	Due impartiality/bias	1
The Story of the Jews	BBC 2	03/05/2018	Due impartiality/bias	1
The Legacy of Lawrence of Arabia	BBC 4	18/09/2017	Generally accepted standards	1
BBC Weather	BBC channels	Various	Disability discrimination/offence	1
Afternoon Live	BBC News Channel	25/01/2018	Due accuracy	1
Today	BBC Radio 4	26/12/2017	Due accuracy	1
Today	BBC Radio 4	04/04/2018	Materially misleading	1
Radio Scotland News	BBC Radio Scotland	23/03/2018	Due impartiality/bias	1

For more information about how Ofcom assesses complaints about content standards on BBC broadcasting services and BBC ODPS, go to:

https://www.ofcom.org.uk/data/assets/pdf_file/0002/100100/Procedures-for-investigating-breaches-of-content-standards-on-BBC-broadcasting-services-and-BBC-on-demand-programme-services.pdf

Complaints outside of remit

Here are alphabetical lists of complaints received by Ofcom that fell outside of our remit. This is because Ofcom is not responsible for regulating the issue complained about. For example, the complaints were about the content of television, radio or on demand adverts or an on demand service that does not fall within the scope of regulation.

For more information about what Ofcom's rules cover, go to: <https://www.ofcom.org.uk/tv-radio-and-on-demand/how-to-report-a-complaint/what-does-ofcom-cover>

Programme	Service	Transmission Date	Categories	Number of complaints
Babestation Daytime	Babestation	22/06/2018	Participation TV - Harm	1
BBC News Style Guide	BBC	n/a	Outside of remit	1
Programming	BBC iPlayer	16/06/2018	Outside of remit	1
CBN	CBN UK	19/06/2018	Generally accepted standards	1
Advertisement	Clyde 1	21/06/2018	Advertising content	1
Advertisement	Food Network	01/06/2018	Advertising content	1
Advertisement	Good Food	14/06/2018	Advertising content	1
Grindr App	Grindr	09/06/2018	Other	1
Advertisement	ITV	03/06/2018	Advertising content	1
Advertisement	ITV	11/06/2018	Advertising content	1
Advertisement	ITV	16/06/2018	Advertising content	1
Advertisements	ITV	09/06/2018	Advertising content	1
Advertisements	ITV	14/06/2018	Advertising content	1
The Fast Fix: Diabetes	ITV	13/06/2018	Outside of remit	2
World Cup 2018	ITV	Various	Outside of remit	1
Love Island	ITV2	04/06/2018	Outside of remit	1
Love Island	ITV2	13/06/2018	Outside of remit	1
Advertisement	ITV4	12/06/2018	Advertising content	1
13 Reasons Why	Netflix	02/06/2018	Protection of under 18s	1
13 Reasons Why	Netflix	N/A	Suicide and self harm	1
Advertisement	Nickelodeon	11/05/2018	Advertising content	1
Non-editorial (billing and technical)	NOW TV	09/06/2018	Other	1
Non-editorial (billing)	NOW TV	01/01/2018	Other	1

For more information about how Ofcom assesses complaints about television and radio programmes, go to:

https://www.ofcom.org.uk/_data/assets/pdf_file/0020/55109/breaches-content-standards.pdf

BBC First

The BBC Royal Charter and Agreement was published in December 2016, which made Ofcom the independent regulator of the BBC.

Under the BBC Agreement, Ofcom can normally only consider complaints about BBC programmes where the complainant has already complained to the BBC and the BBC has reached its final decision (the 'BBC First' approach).

The complaints in this table had been made to Ofcom before completing the BBC's complaints process.

Complaints about BBC television, radio or on demand programmes

Programme	Service	Transmission or Accessed Date	Categories	Number of Complaints
BBC Southeast News	BBC 1	15/06/2018	Generally accepted standards	1
Countryfile	BBC 1	17/06/2018	Generally accepted standards	1
EastEnders	BBC 1	15/06/2018	Dangerous behaviour	1
The Andrew Marr Show	BBC 1	03/06/2018	Due impartiality/bias	1
The Miniaturist	BBC 1	26/12/2017	Sexual material	1
The One Show	BBC 1	04/04/2018	Promotion of products/services	1
World Cup Match of the Day Live: Belgium v Panama	BBC 1	18/06/2018	Race discrimination/offence	1
World Cup Match of the Day Live: Tunisia v England	BBC 1	18/06/2018	Race discrimination/offence	1
Politics Scotland	BBC 1 Scotland	14/06/2018	Due impartiality/bias	1
BBC News	BBC 1 Wales	11/06/2018	Due accuracy	1
Daily Politics	BBC 2	Various	Religious/Beliefs discrimination/offence	1
Front Row Late	BBC 2	01/06/2018	Gender discrimination/offence	1
Grammar Schools: Who Will Get In?	BBC 2	16/06/2018	Materially misleading	1
Mock the Week	BBC 2	14/06/2018	Race discrimination/offence	1
Newsnight	BBC 2	07/06/2018	Due impartiality/bias	1
Newsnight	BBC 2	19/06/2018	Due accuracy	1
Hear Her Day	BBC 6 Music	08/06/2018	Due impartiality/bias	1
BBC News	BBC channels	09/06/2018	Due impartiality/bias	1
Reformation / Gunpowder / Queen Elizabeth: Secret Agents	BBC channels	Various	Materially misleading	1
Programme trailers	BBC iPlayer	Various	Other	1

Programme	Service	Transmission or Accessed Date	Categories	Number of Complaints
Simon & Jo Drivetime show	BBC Radio 2	16/05/2018	Other	1
Costing the Earth	BBC Radio 4	11/04/2018	Materially misleading	1
BBC Weather Watchers Photo	BBC Weather	09/06/2018	Other	1

Investigations List

If Ofcom considers that a broadcaster or service provider may have breached its codes, rules, licence condition or other regulatory requirements, it will start an investigation.

It is important to note that an investigation by Ofcom does not necessarily mean the broadcaster or service provider has done anything wrong. Not all investigations result in breaches of the codes, rules, licence conditions or other regulatory requirements being recorded.

Here are alphabetical lists of new investigations launched between 11 and 24 June 2018.

Investigations launched under the Procedures for investigating breaches of content standards for television and radio

Programme	Service	Transmission date
Lunch	Fuse FM Ballymoney	31 May 2018
Advertising minutage	HUM Europe and Hum Masala	Various
24 Hour Radio Marathon	Insanity Radio	26 March 2018
Acupressure Show	KTV	8 March 2018 and 12 March 2018

For more information about how Ofcom assesses complaints and conducts investigations about content standards on television and radio programmes, go to:

https://www.ofcom.org.uk/_data/assets/pdf_file/0020/55109/breaches-content-standards.pdf

Investigations launched under the Procedures for the consideration and adjudication of Fairness and Privacy complaints

Programme	Service	Transmission date
Gurdwara Miri Piri	MATV	29 January 2018
Aitraz Hai	New Vision	30 December 2017

For more information about how Ofcom considers and adjudicates upon Fairness and Privacy complaints about television and radio programmes, go to:

https://www.ofcom.org.uk/_data/assets/pdf_file/0031/57388/fairness-privacy-complaints.pdf

For information about how Ofcom considers and adjudicates upon Fairness and Privacy complaints on BBC Broadcasting Services and BBC ODPS, go to:

https://www.ofcom.org.uk/_data/assets/pdf_file/0003/100101/Procedures-for-the-consideration-and-adjudication-of-Fairness-and-Privacy-complaints.pdf