

We welcome the new proposed rules in section 3 of the broadcasting code as well as the additional notes and meanings which give clarity and guidance to broadcasters in relation to harmful or offensive material. We hope that the proposed changes now have the desired outcome of preventing such material from being broadcast in the future and in turn to protect members of the public.

Some additional points:

1) With specific reference to the meaning of "context" under Rule 3.2 and Rule 3.3 and furthermore paragraph 2.6.2 of the Broadcasting Code Review; s319 (4) Communications Act 2003 provides that Ofcom are required to consider the likely size and composition of the potential audience for programmes in television services generally, or in television services of a particular description. Although this is set out in legislation and must be complied by Ofcom, attention must be drawn to the fact that there are cases where the size of the audience at the time of the broadcast is irrelevant given that most content is now uploaded onto the internet and is available to view to a larger audience and available to view for many years once it has been uploaded. Ofcom must take this into consideration when deciding an outcome of a case.

2) There is no provision for due care of overseas broadcasts being shown in UK. There are various programmes that have been edited partially for the UK audience as the original form was not in compliance with Ofcom rules. Yet the full programme is fully available on internet. The effect of this is that the broadcaster is fully aware of the original content being in breach and its potential harmful effects. Editing will not take the context and harmful effect out.

Ofcom should also extend the code to include material broadcast via the internet and available in the UK.

Question 1: Do you agree with the proposed amendments to the Code?:

Yes - we fully support the proposed amendments.

Additionally we suggest that the threshold should be based on intolerance rather than hate as it is easier to demonstrate how views expressed promote intolerance of other groups. This does not and should not impinge on the right to debate, even robustly, any particular views or beliefs, however where there is no such justification then material promoting intolerance must also be deemed unacceptable.

Furthermore there must be provisions for action to be taken to bar individuals from appearing on the media if they have been shown to be promoting hate. Action against a broadcaster is welcome but there should be some form of regulation against those who channel hop (from one station to another) despite having resulted in a station facing regulatory action.

Question 2: Do you agree with the proposed Code guidance?:

Yes - we fully support the proposed Code guidance.

The international impact of broadcasts (viewed over the internet) must also be reflected in the guidance as that is part of the cumulative effect of hate speech.