

Decision by Ofcom

Sanction: to be imposed on Islam Channel Ltd

For material broadcast on Islam Channel on 11 November 2018 at 23:00¹.

Ofcom's Decision of Sanction against:

Islam Channel Ltd ("Islam Channel" or "the Licensee") in respect of its service **Islam Channel** (Ofcom TLCS licence TLCS000684BA/1).

For:

Breaches of the [Ofcom Broadcasting Code](#) (the "Code")² in respect of:

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...discriminatory treatment or language (for example on the grounds of...race, religion or belief...".

Rule 3.2: "Material which contains hate speech must not be included in television...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...services...except where it is justified by the context...".

Ofcom's Decision:

To impose a financial penalty payable to HM Paymaster General) of £20,000;

To direct the Licensee not to repeat the programme without edits to remove content in breach of the Code; and,

To direct the Licensee to broadcast a statement of Ofcom's findings on a date and in a form to be determined by Ofcom.

¹ See [Issue 388 of Ofcom's Broadcast and On Demand Bulletin](#) for the material broadcast on Islam Channel and found in breach of the Code.

² The version of the Code which was in force at the time of the broadcast took effect on 3 April 2017.

Executive Summary

1. Islam Channel is an English language satellite television channel broadcast in 136 countries worldwide, including the UK. Its output includes religious instruction programmes, current affairs, documentaries and entertainment programmes, all from an Islamic perspective. The Ofcom licence for this station is held by Islam Channel Ltd.
2. On 11 November 2018 at 23:00 Islam Channel broadcast an episode of *The Rightly Guided Khalifas*,³ a religious education series on the history of the Qur'an, detailing its origins, its written compilation and the measures used to preserve its original wording.
3. A segment of the programme ascribed a perpetually negative characteristic to Jewish people; namely corrupting Holy Books and seeking the destruction of Islam in both ancient and more recent times. It conflated Israel and Jewish people, characterising Jewish people as “*tyrannical*” and having an “*evil mind*”. The programme also used further negative and stereotypical terms to describe Jewish people.

The Breach Decision

4. In Ofcom's Decision published on 7 October 2019 in [issue 388 of the Broadcast and On Demand Bulletin](#) (the “Breach Decision”), Ofcom's Executive found that this programme contained uncontextualised hate speech⁴ and breached Rules 2.3, 3.2 and 3.3 of the Code.
5. The Breach Decision set out the broadcast material that was in breach, along with reasoning as to why the material had breached each rule.
6. Ofcom put the Licensee on notice that it considered these breaches to be serious, and that it would consider them for the imposition of a statutory sanction.

The Sanction Decision

7. In accordance with Ofcom's Procedures for the consideration of statutory sanctions in breaches of broadcast licences (the “[Sanctions Procedures](#)”)⁵, Ofcom considered whether the Code breaches were serious, deliberate, repeated or reckless so as to warrant the imposition of a sanction on Islam Channel Ltd. Having taken into account the Licensee's representations, Ofcom has reached a Decision that a sanction is warranted for the reasons set out in paragraphs 64 to 71 below.
8. Ofcom's Decision is to impose a financial penalty of £20,000, to direct the Licensee to broadcast a statement of Ofcom's findings on a date and in a form to be determined by Ofcom and not to repeat the programme without edits to remove content in breach of the Code. This paper sets out the basis for Ofcom's Decision, taking into account all the relevant material in this case and Ofcom's Penalty Guidelines (the “[Penalty Guidelines](#)”)⁶.

³ After the Prophet Muhammed's death in 632 A.D., the first four Muslim leaders were known as the Khulafa Rashidun, or “Rightly Guided” caliphs. See [Rightly Guided Caliphs](#), Oxford Islamic Studies Online.

⁴ Section three of 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”.

⁵ These procedures took effect on 3 April 2017.

⁶ Published 14 September 2017.

Legal Framework

Communications Act 2003

9. Ofcom's principal duty, set out in Section 3(1) of the Communications Act 2003 ("the Act"), is to further the interests of citizens in relation to communications matters and the interests of consumers in relevant markets. In carrying out its functions, Ofcom is required to secure, amongst other things, the application to all television and radio services, of standards that provide adequate protection to members of the public from the inclusion of offensive and harmful material in such services (section 3(2)(e)).
10. Ofcom has a specific duty under section 319 of the Act to set such standards for the content of programmes in television and radio services as appears to it best calculated to secure the standards objectives set out in section 319(2). These objectives include that generally accepted standards are applied to the contents of television and radio services so as to provide adequate protection for members of the public from the inclusion in such services of offensive and harmful material (section 319(2)(f)). This requirement is reflected in Section Two and Section Three of the Code.
11. In performing its duties, Ofcom is required to have regard to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed, and any other principles representing best regulatory practice (section 3(3)); and, where relevant, to have regard to a number of other considerations including the need to secure that the application in the case of television and radio services of standards relating to harm and offence is in the manner that best guarantees an appropriate level of freedom of expression (section 3(4)(g)).

Human Rights Act 1998

12. Under section 6 of the Human Rights Act 1998, Ofcom (as a public authority) has a duty to ensure that it does not act in a way which is incompatible with the European Convention on Human Rights (the "Convention"). In particular, in the context of this case, Ofcom has taken account of the related rights under Article 9 and Article 10 of the convention.
13. Article 9 of the Convention provides for the right to freedom of thought, conscience and religion. This Article makes clear that freedom to "manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interest of public safety, for the protection of public order, health or morals, or for the protection of rights and freedoms of others".
14. Article 10 of the Convention provides for the right to freedom of expression. Applied to broadcasting, this right encompasses the broadcaster's freedom to impart and the audience's freedom to receive information and ideas without interference by public authority and regardless of frontiers (Article 10(1)). The exercise of these freedoms may be subject only to conditions and restrictions which are "prescribed in law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health and morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence or maintaining the authority and impartiality of the judiciary" (Article 10(2)).
15. Ofcom must exercise its duties in light of these rights and not interfere with the exercise of these freedoms in broadcast services unless it is satisfied that the restrictions it seeks to apply are required by law and necessary to achieve a legitimate aim.

Equality Act 2010

16. Under Section 149 of the Equality Act 2010, in the exercise of its functions, Ofcom must also have due regard to the need to eliminate unlawful discrimination, to advance equality of opportunity and to foster good relations between persons who share a relevant protected characteristic, such as race or religion, and persons who do not share it.

The Ofcom Broadcasting Code

17. Standards set by Ofcom in accordance with section 319 of the Act are set out in the Code.
18. Accompanying Guidance Notes to each section of the Code are published, and from time to time updated, on the Ofcom website. The Guidance Notes are non-binding but assist broadcasters to interpret and apply the Code⁷.
19. The relevant Code rules in this case are set out in full at the beginning of this Decision.

Remedial action and penalties

20. Under section 325 of the Act, a licence for a programme service issued by Ofcom under the Broadcasting Act 1990 or 1996 must include conditions for securing that the standards set under section 319 are observed by the licensee. In the case of a television licensable content service ("TLCS") licence, Condition 6 of the licence requires the licensee to ensure that the provisions of any Code made under section 319 are complied with. The Licensee in this case holds a TLCS licence.
21. Where Ofcom has identified that a condition of a TLCS licence has been contravened, its powers to take action are set out in sections 236 to 239 of the Act insofar as relevant to the case.
22. Section 236 of the Act provides Ofcom with the power to direct the holder of a TLCS licence to broadcast a correction or a statement of Ofcom's findings (or both), or not to repeat a programme which was in contravention of a licence condition.
23. Section 237 of the Act provides Ofcom with the power to impose a financial penalty on the holder of a TLCS licence. The maximum penalty which may be imposed in respect of each contravention of a licence condition is whichever is the greater of £250,000 and five per cent of the qualifying revenue from the licensed service for the licensee's last complete accounting period falling within the period for which its licence has been in force.
24. Section 238 of the Act gives Ofcom a duty to revoke a TLCS licence if the licensee is in contravention of a condition of the licence or is failing to comply with a direction and Ofcom is satisfied that the contravention or failure, if not remedied, would justify the revocation of the licence. It is not relevant in this case, as the breach is not ongoing and is not susceptible to being remedied.
25. Section 239 of the Act gives Ofcom a duty to suspend and then revoke a TLCS licence if satisfied that that the holder of the licence has included in the service one or more programmes containing material likely to encourage or to incite the commission of crime, or to lead to disorder; that, in doing so, it has contravened licence conditions; and that the contravention is such as to justify the revocation of the licence. It is not relevant in this case, as the programme did not contain material likely to encourage or to incite the commission of crime.

Background – The Breach Decision

26. In the Breach Decision, Ofcom found that material broadcast on the Islam Channel breached Rules 2.3, 3.2 and 3.3 of the Code. The Breach Decision set out the reasons for each of these findings.

⁷ See Section Two and Section Three of the Code and Ofcom's Guidance Notes on the Code.

27. In summary, Ofcom’s Breach Decision found an episode of the programme *The Rightly Guided Khalifas* contained uncontextualized antisemitic hate speech which amounted to the abuse or derogatory treatment of Jewish people. In reaching our Breach Decision, we had regard to the International Holocaust Remembrance Alliance’s (“IHRA”) working definition⁸ of antisemitism which states:
- “Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities”.*
28. The guidance published with the IHRA’s working definition of antisemitism includes the following as contemporary examples (among others) of what could constitute antisemitism in public life and the media, taking into account the overall context:
- *“Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews”.*
 - *“Holding Jews collectively responsible for actions of the state of Israel”.*
 - *“Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions”.*
29. The Breach Decision found this episode of *The Rightly Guided Khalifas* ascribed a perpetually negative characteristic to Jewish people; namely corrupting Holy Books and seeking the destruction of Islam in both ancient and more recent times. In addition, through the conflation of Israel and Jewish people the content characterised Jewish people as “*tyrannical*” and having an “*evil mind*”. It was our Decision that this content met Ofcom’s definition of hate speech and that Rule 3.2 was breached.
30. The programme also used further negative and stereotypical terms to describe Jewish people, including that they were guilty of “*this crime of distortion* [of Quranic text]”. It also associated Jewish people with “*tyranny*”, “*oppression*”, “*troublemaking*” and “*poisonous acts*”. We considered this constituted abusive and derogatory treatment of Jewish people in breach of Rule 3.3.
31. In Ofcom’s view, this material would have been offensive to most people who do not share the antisemitic views expressed. We also considered this material would be highly offensive to Jewish people; practitioners of Judaism; and Christian and Muslim people (and others) who esteem the religion⁹. In our view, there was insufficient context to justify the broadcast of such content, and it breached Rule 2.3 of the Code.

Ofcom’s Decision to impose a Statutory Sanction

32. As set out in paragraph 1.13 of the Sanctions Procedures, the imposition of a sanction against a broadcaster is a serious matter. Ofcom may, following due process, impose a sanction if it

⁸ In December 2016, the UK Government agreed to adopt the [International Holocaust Remembrance Alliance’s working definition of antisemitism](#).

⁹ All three religions count Abraham as the human founder of their faiths. See the Encyclopaedia Britannica’s biography of Abraham: “[Abraham, Hebrew Patriarch](#)”. See also the British Library’s article in its online gallery “[Sacred Contexts; Elements of the Abrahamic Faiths: Judaism, Christianity, Islam](#)”. This states: “Each religion acknowledges the preceding texts and draws from them, with differences of interpretation and emphasis. So Christianity inherits from Judaism, and Islam inherits from both Judaism and Christianity. In this way the Hebrew Bible, the Christian Bible and the Qur’an form one linked textual tradition”.

considers that a broadcaster has seriously, deliberately, repeatedly or recklessly breached a relevant requirement.

33. In this case, Ofcom issued a Preliminary View that Ofcom was minded to impose a statutory sanction in the form of a financial penalty. Ofcom sent a copy to the Licensee on 16 December 2019, at the same time giving the Licensee the opportunity to provide written and oral representations (“the Representations”) on the Preliminary View. The Licensee provided its written representations to Ofcom on 13 January 2020 and oral representations via videoconference on 9 September 2020¹⁰. The Representations are summarised in paragraphs 35 to 63 below.
34. In reaching its Decision on whether to impose a statutory sanction and, if so, what type and level of sanction, Ofcom took account of all the evidence and representations made by the Licensee. In addition, we had regard to the Sanctions Procedures and Ofcom’s Penalty Guidelines.

The Licensee’s representations

35. We summarise the Licensee’s written and oral representations below. These focussed on the founding and continuing ideals of the Islam Channel; the circumstances of the broadcast; measures taken to mitigate the impact of the broadcast and to strengthen compliance procedures to prevent recurrence; the Licensee’s concerns regarding treatment of the channel and reasons for the investigation and sanction process; the relevance of precedent cases cited in Ofcom’s Preliminary View; and the impact of a penalty on the Licensee’s financial position.

Background of the Islam Channel

36. The Licensee said that it launched its service is to “provide a voice for the Muslim community in the media at a time where Islamophobia was at an all-time high”. It said that one of its key aims “has been to improve dialogue, understanding and cohesion between Muslim and non-Muslim communities”. It added that it is “mindful of its duties and thrives on being an ethical broadcaster”.
37. The Licensee referred to both its on-air and off-air activities, and how these contribute to social cohesion and understanding. It said that it “plays a vital role in amplifying Muslim voices in the media” and listed some of the awards it has received for its work.
38. The Licensee highlighted its record in promoting interfaith dialogue and outreach. For example, the Licensee said that it “organises several events under the banner of the ‘Global Peace and Unity Foundation’” and referred to a conference which it said was “widely accepted as the largest interfaith and multicultural event of its kind throughout Europe.” It added that it had developed several programmes¹¹ which focus on strengthening the relationship between different faiths. It said that it also “regularly covers events...aimed at improving community cohesion by raising awareness through its flagship programmes”¹².
39. The Licensee said that “the above initiatives clearly demonstrate [its] commitment to promoting harmonious relations between diverse ethnic and faith communities through its efforts both on and off-air. As such it would never knowingly, deliberately or recklessly allow for

¹⁰ The oral hearing was originally scheduled for 6 February 2020 but was delayed, initially due to availability of participants and then as a result of COVID-19.

¹¹ e.g. Street Challenge, Faith Off and the Peace Forum.

¹² Islam Channel said this included “dedicated segments during its peak-time show, ‘Living the Life’, to discuss Holocaust Memorial Day, as well as interviews with leading individuals and organisations working on promoting interfaith dialogue such as the Faith and Belief Forum, Muslim Council of Britain, and Nishkam Swat...”.

members of any faith, sect or creed to be offended, a direct and gross contradiction to the mission and values”.

40. Referring to the specific content broadcast, when asked why the Licensee’s initial response had been that the content was not hate speech, the Licensee said that it was not correct to broadcast it, and there was no intention on the channel’s behalf of broadcasting antisemitic content, as it views itself as a “platform for... mutual understanding”. The Licensee added that it understood attitudes have changed in the past few years and “what was accepted or tolerated 5 years ago, it’s not tolerated anymore”. The Licensee further stated that there would be “no ambiguity now whatsoever that portraying a group of people regardless of who they are, Jews or otherwise... in a stereotypical blanket fashion in any negative way is racist fundamentally and is hateful, and is something that we would never want our name associated with”.

Circumstances of broadcast

41. The Licensee said that the series which included the episode found to be in breach was “the production of a third-party overseas producer and not an in-house production commissioned by the Channel”. The Licensee explained that the episode was originally “tagged and pulled from the broadcast list” as a result of “strict internal vetting and compliance procedures” applied to each episode in the series, and consequently, “was not broadcast as part of the initial premiere”.
42. However, it said “following a lengthy gap, when the series was listed for re-broadcasting, as a result of a human error on the part of a junior level scheduler, this particular episode was mistakenly included within the re-run schedule”. It explained that “regrettably, the episode was broadcast before the error was picked up”, adding, “the offending episode was not viewed before it was broadcast by the junior level scheduler, had it been viewed it would have been picked up and removed. Unfortunately, the junior level scheduler selected the series in its entirety”.
43. Islam Channel stressed that “this was not a systematic or deliberate failing but rather an isolated incident stemming from human error, which is not reflected within the disproportionate preliminary sanction”. It added that, “there was no direct or indirect intention or knowledge of wrongdoing by the Channel”

Steps taken by the Licensee following broadcast

44. The Licensee set out the steps it took when it became aware of what had happened. It said it had immediately pulled the entire series off from its EPG; arranged for the junior scheduler involved to be retrained; provided mandatory company-wide refresher training in addition to mandatory training all new staff receive; tightened its compliance controls surrounding re-runs; and employed a third solicitor whose focus is Ofcom compliance.
45. The Licensee said that its new procedures will “mean that all repeats are now subject to re-approval from the compliance team, thus ensuring that such occurrences are not repeated in future”.
46. The Licensee said that it has also “on a voluntary basis, twice broadcasted an apology to signal to its viewers that there was a failing in its compliance procedures and underlined its total and utter condemnation of any and all hate speech”.
47. The Licensee emphasised that any sanction should reflect “fundamental structural change” that it said had taken place at the channel since 2018, including a “complete overhaul” of compliance procedures, the hiring of personnel with strong compliance backgrounds and experience, and other steps to prevent repetition.

48. In relation to personnel, the Licensee noted that its present CEO joined only after the 2018 breach, and that such content would categorically not be accepted by him, reiterating that, “the mission of Islam Channel is to counter racism and hate in all its forms against any community, whether they be Muslim or non-Muslim”. It said that all members of staff at Islam Channel “find any kind of hate speech absolutely abhorrent”. It said there had been an effort to improve and “professionalise” the channel’s operations.
49. The Licensee detailed its new and existing compliance processes. The Licensee said that its process had been improved through the adoption of a “check, review and verify system”, ensuring content “is checked multiple times”, viewed by a producer and signed off by the executive team prior to transmission.
50. The Licensee also stated that its producers have regular communications with its legal department, to whom they refer any content they are unsure about for further review. In terms of translation, it stated that it does not now accept externally provided subtitles without a review by in-house experts, so that subtitles can reflect the channel’s “own understanding”, editorial judgment and compliance considerations rather than those of the provider. The Licensee also noted that while it is not currently commissioning content from third parties, any content commissioned in future would be subject to an executive sign-off process.
51. The Licensee further stated it has put new production workflows in place to streamline delivery and communication, including regarding editorial policy and compliance. In future, the Licensee plans to implement an “overarching content plan which will itemise key topics” being covered and is in the process of setting up “regular Ofcom and legal refreshers” for its staff.

Treatment of the Islam Channel

52. While accepting that “there is no justification of the offending programme”, the Licensee nevertheless expressed concerns that it may have been subject to unfair treatment in Ofcom’s decision to investigate the broadcast and to proceed to consider for sanction.
53. The Licensee noted a high degree of media attention on the Islam Channel from investigative journalists whom it considered were responsible for, “inaccurate reporting relating to Islam and Muslims” and from organisations whose, “purpose is to undermine and discredit Muslim institutions and Muslim community leaders in general” and who had an, “Islamophobic agenda”. The Licensee referred to “the immense pressure placed upon Ofcom – as the media regulator, to pronounce adverse judgment on broadcasting institutions such as ours”.
54. The Licensee was concerned that, in this case, both the investigation and sanctions process may have arisen as a result of pressure being placed on Ofcom. In support of this view, it referred to Ofcom’s monitoring of Islam Channel content having occurred following its receipt of a draft report from the Henry Jackson Society, and to Ofcom’s response to a Freedom of Information Act request which indicated it had confirmed, in response to a press enquiry, that it was assessing Islam Channel output on 15 November 2018, a day before the Licensee itself was informed.¹³ It also referred to correspondence in 2010, when Ofcom had written to the Licensee regarding the circumstances of the arrest of the Licensee’s then CEO, which the Licensee considered premature in the absence of a trial or conviction.
55. Also in relation to the media attention on the Islam Channel, the Licensee said that it considered that the imposition of the proposed fine would “attract a disproportionate amount of bad publicity” and negative media attention towards Islam Channel in “the current media climate”. The Licensee highlighted that “this in itself is a deterrent, probably more so than a fine”, adversely impacting Islam Channel’s standing as a community broadcaster as well as its

¹³ We note in this regard that Ofcom assesses content in order to decide whether or not to open an investigation. Ofcom did not give the press prior notice of our decision to open an investigation.

ability to attract revenue from advertisers, thus adding “extra weight” to the penalty proposed in Ofcom’s Preliminary View.

56. The Licensee stated that it has received significant negative media attention in the past following previous Ofcom breach decisions.¹⁴ The Licensee noted that coverage of this type “did not go away”, causing the channel “a lot of problems”. According to the Licensee, the “increasingly hostile” media climate, which the Licensee said amounted to a “trial by media”, had had an adverse effect on the channel’s financial and business standing, as well as on its public standing, reception and image as a community broadcaster.

Consistency with precedent cases

57. The Licensee argued that there were important differences in the ten precedent cases noted in Ofcom’s Preliminary View which included cases which the Licensee said were “far more serious than the matter relating to Islam Channel”. It noted some of these had involved no statutory sanction or with a lesser statutory sanction than proposed in Ofcom’s preliminary view.
58. In particular, the Licensee noted that several of the precedents related to broadcasts in peak hours (*The Rightly Guided Khalifas* was broadcast at 23:00), involved more offensive material, had no voluntary apology, and had a longer duration (i.e. the offensive content formed a substantial part of the programmes involved). The licensee noted that:
- (a) Trace World UK (Starz) (17 June 2019) involved a highly offensive viewer-submitted image being displayed on rotation over the course of 51 minutes, resulting in a direction to broadcast a statement of Ofcom’s findings but no financial penalty.
 - (b) City News Network (SMC) (15 April 2019) included highly offensive allegations regarding the Ahmadiyya community which “went on to call on Pakistani people to ‘rise up’, in what can be considered in a direct call to violence”, resulting in a £75,000 penalty and direction to broadcast a statement of Ofcom’s findings.
 - (c) Radio Ikhlas Limited (19 December 2018) involved a 21-minute segment with offensive and derogatory behaviour towards the Ahmadiyya community, resulting in a £10,000 penalty and direction to broadcast a statement of Ofcom’s findings.
 - (d) Kanshi Radio Limited (25 July 2017) involved deliberate and repeated broadcast of an offensive song, resulting in a £17,500 penalty and direction to broadcast a statement of Ofcom’s findings.
 - (e) Mohiuddin Digital Television Limited (20 December 2016) involved a speaker stating clearly that religious obedience within the Islamic faith could be demonstrated through murder of Jewish people, resulting in a £75,000 penalty and a direction to broadcast a statement of Ofcom’s findings.
 - (f) Club TV Limited (11 November 2016) involved a 45-minute programme with repeated portrayal of Jewish people in negative stereotypical terms resulting in a £65,000 penalty and direction to broadcast a statement of Ofcom’s findings.
 - (g) Lancaster LLC (9 May 2016) involved a statement that all rapes in Sweden were being carried out by Muslim people during a lengthy broadcast during which the Licensee noted the broadcaster could have corrected the statement, resulting in no financial sanction and a direction to broadcast a statement of Ofcom’s findings.

¹⁴ In regard to this allegation, the Licensee referred to articles such as [“Islam Channel censured by Ofcom. The Guardian, 8 November 2010”](#), [“Islam TV shamed for backing marital rape. The Daily Express, 9 November 2010”](#), and [“Ofcom rule against pro-Hamas Islam Channel, The Jewish Chronicle, 8 November 2010”](#), as well as a report by the Quilliam Foundation titled [“Quilliam Alert: Islam Channel and the promotion of extremism, 30 April 2009”](#).

- (h) Lancaster LLC (21 December 2015) involved a sermon with highly derogatory comments about gay people, including referring to them as “sex perverts”, resulting in no statutory sanction.
 - (i) Takbeer TV Limited (23 August 2013) involved abuse directed at the Ahmadiyya community and its founder by presenters and people calling into a programme over a lengthy 255-minute programme resulting in a £25,000 penalty and direction to broadcast a statement of Ofcom’s findings.
 - (j) Al Ehya Digital Television Limited (3 May 2012/21 August 2013) involved gross and serious breaches amounting to incitement in breach of Rule 3.1 of the Code, stemming from a live call-in programme in which the a presenter made various statements which appeared to make clear that it was acceptable, or even the duty of a Muslim, to murder those who have disrespected the Prophet Mohammed. This resulted in a £85,000 penalty and direction to broadcast a statement of Ofcom’s findings.
59. The Licensee said that of the precedents cited in the Preliminary View, the most “significant parallels can be drawn from the Lancaster LLC cases”, where a religious channel did not receive a financial sanction in relation to two breaches over a short period. The Licensee noted that, in the Lancaster LLC case, account was taken of the fact the broadcast involved an historical, recorded sermon that expressed “outdated views from the 80s” involving homophobic views and terms. It said that its case was comparable in that “the views expressed in the offending episode were caught in a letter in 1961”. Like Lancaster LLC, the Licensee said it had taken steps to improve compliance and, unlike Lancaster LLC, the Licensee had “remained Ofcom compliant since 2014”.

Impact on Licensee’s financial position

60. The Licensee noted the challenges for broadcasters in the context of the ongoing Covid-19 pandemic. It made detailed representations about its financial status. It argued that the proposed penalty, or any penalty, could result in the closure of the channel.

61. ✂

62. ✂¹⁵

63. ✂

Ofcom’s Decision on the imposition of a statutory sanction

64. We took into account the Licensee’s representations regarding fair treatment and note the Licensee’s concern that it is subject to a degree of unwarranted attention from individuals and organisations it considers have an Islamophobic agenda.
65. Ofcom’s investigations often attract a degree of media interest. However, the Panel considered that the nature of the material in this case as set out in the Breach Decision clearly merited investigation and, subsequently, consideration for sanction. As the Licensee itself accepted, the content should not have been broadcast.
66. We set out below Ofcom’s reasons for considering that it is appropriate to impose a statutory sanction, and as to the type and level of sanction Ofcom considers should be imposed on the Licensee, taking into account all the relevant material, including the Licensee’s representations, and Ofcom’s [Penalty Guidelines](#).
67. We first considered whether the breaches were serious, deliberate, reckless or repeated.

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Serious nature of the breaches

68. As set out in paragraph 1.13 of the Sanctions Procedures, the imposition of a sanction against a broadcaster is a serious matter. Ofcom may, following due process, impose a sanction if it considers that a broadcaster has seriously, deliberately, repeatedly or recklessly breached a relevant requirement.
69. We considered the breaches were serious. As set out in paragraph 29, we considered this programme ascribed a perpetually negative characteristic to Jewish people and through the conflation of Israel and Jewish people, characterised Jewish people in both negative and stereotypical terms. We considered this programme promoted and justified hatred towards Jewish people and therefore constituted hate speech. Ofcom considers the potential harm arising from hate speech to be serious. The content was also derogatory to Jewish people, and so had the potential to cause serious and widespread offence.
70. In its representations, whilst accepting the material should not have been broadcast, the Licensee commented, “what was accepted or tolerated 5 years ago, it’s not tolerated anymore”, and compared its case with precedents it considered to be more serious. We note that, whilst some previous cases involved cruder language or representations, the Breach Decision makes clear that the allegation within a religious instruction programme of corrupting Holy Books, and the characterisation of Jewish people as “*tyrannical*” and having an “*evil mind*”, was serious and constituted hate speech. We do not agree with the implication that the material may have been acceptable in the relatively recent past.

Imposition of sanction

71. In view of the factors set out above, Ofcom considered that the breaches were serious and so warranted the imposition of a statutory sanction in accordance with our procedures. The following paragraphs set out the enforcement action we have considered and the sanctions we have decided to impose.

Imposition of sanctions other than a financial penalty

72. Section 236 of the Act provides Ofcom with the power to direct the holder of a TLCS licence to broadcast a correction or a statement of Ofcom’s findings (or both), or not to repeat a programme which was in contravention of a licence condition.
73. Ofcom has not previously regularly used our power to direct broadcast licensees not to repeat programmes found to be in breach of the Code. Recognising that it would be a departure from much of our previous practice, we considered that it would be appropriate to do so in this case, and we would be likely to take the same view in other cases involving uncontextualised hate speech. The burden on the Licensee of being subject to a direction of this kind is not great, while the benefit in terms of audience protection is clear.
74. It is Ofcom’s view that a direction not to repeat the programme alone would not, by itself, be an appropriate sanction in all the circumstances. This is because Islam Channel Ltd, as set out in the Breach Decision, broadcast a programme which contained antisemitic hate speech.
75. Ofcom took into account that the Licensee had broadcast an apology for showing the harmful and offensive content. However, we noted the apology was only broadcast after Ofcom had informed the Licensee of our Preliminary View in the investigation case. In our view this apology, which was broadcast some nine months after the programme in question was transmitted, was insufficient to adequately mitigate the potential harm and offence the breaches could have caused.

76. Ofcom considers that directing the Licensee to broadcast a statement of Ofcom's findings is necessary to bring not only the breaches but also Ofcom's action in response to the breach, to the attention of Islam Channel's viewers.
77. Ofcom also provisionally considers that, on its own, a direction to broadcast a statement of Ofcom's findings would not be a sufficient statutory sanction adequately reflecting the level of seriousness of the breaches in this case. Such a statement by itself would not act as an effective disincentive to discourage the Licensee from repeating similar breaches of the Code or other licensees from contravening the Code in a similar manner. Therefore, in reaching its Decision, Ofcom considered that a direction to broadcast a statement of Ofcom's findings should be combined with another category of sanction, to act as an effective deterrent.
78. Ofcom next considered whether it would be appropriate to provisionally determine that a financial penalty should be applied in this case.

Imposition of a financial penalty

79. Under section 237 of the Act, Ofcom has the power to impose a financial penalty on the holder of a TLCS licence where it is satisfied the licensee has contravened a condition of its licence. The maximum level of a financial penalty that can be imposed on the holder of a TLCS licence in respect of each contravention of a TLCS licence condition is £250,000 or five per cent of the licensee's qualifying revenue relating to its last complete accounting period for which its licence has been in force, whichever is greater.
80. In light of the Licensee's qualifying revenue for this period for the Islam Channel licensed service, the maximum penalty that Ofcom could impose is £250,000.
81. Ofcom's [Penalty Guidelines](#) state (in paragraph 11) that: "Ofcom will consider all the circumstances of the case in the round in order to determine the appropriate and proportionate amount of any penalty. The central objective of imposing a penalty is deterrence. The amount of any penalty must be sufficient to ensure that it will act as an effective incentive to compliance, having regard to the seriousness of the infringement. Ofcom will have regard to the size and turnover of the regulated body when considering the deterrent effect of any penalty".
82. In this case, Ofcom considered that a financial penalty is necessary to reflect the serious nature of the Code breaches recorded against the Licensee, and to act as an effective incentive to comply with the Code, both for the Licensee and other licensees.

Factors taken into account in determining the amount of a penalty

83. In considering the appropriate amount of a financial penalty for the Code breaches in this case, Ofcom took account of the specific relevant factors set out at paragraph 12 of the [Penalty Guidelines](#) as set out below:

The seriousness and duration of the contravention

84. Ofcom regards the breaches to be serious for the reasons set out in paragraphs 29 and 30. We were particularly concerned by the fact that the Licensee had broadcast this content, which in Ofcom's view, constituted hate speech and abuse or derogatory treatment of people with a protected characteristic without challenge or context. Therefore, we considered this programme had the clear potential to cause both harm and offence.
85. The Breach Decision related to material broadcast on 11 November 2018. We are not aware of the material having been broadcast again, and the Licensee confirmed that it had taken steps to ensure that such incidents would not happen again (albeit only after being made aware of the breach by Ofcom).

The degree of harm, whether actual or potential, caused by the contravention, including any increased cost incurred by consumers or other market participants

86. Ofcom is mindful of its duties: under section 3(2)(e) of the Act to secure, in the carrying out of its functions, the application, in the case of all television and radio services, of standards that provide adequate protection to members of the public from the inclusion of offensive and harmful material in such services. This programme contained antisemitic hate speech and material that was abusive or derogatory about Jewish people that would have been both harmful and highly offensive to some viewers of the programme and potentially damaging to relationships between Jewish and Muslim communities. As a result, we considered this broadcast posed a serious risk of harm to members of the public.
87. The potentially harmful and offensive nature of the content was, in our view, compounded by the narrator's attribution of the antisemitic views it expressed to the Shaykh of Al Azhar university. Given the religious standing of the Shaykh of Al Azhar¹⁶, we considered the statements attributed to him could have been interpreted as providing a moral and religious justification for antisemitism. We considered that this was particularly so given the programme was broadcast on a channel with a specialist Islamic focus because viewers with an interest in this area would have been more likely to be aware of the standing of the Shaykh of Al Azhar.

Any gain (financial or otherwise) made by the regulated body in breach (or any connected body) as a result of the contravention

88. We have no evidence to suggest that the Licensee made any financial or other gain from these breaches of the Code.

Whether in all the circumstances appropriate steps had been taken by the regulated body to prevent the contravention

89. In its representations during Ofcom's investigation, and as set out in the Breach Decision, the Licensee explained that because it did not endorse the theory set out in this particular broadcast and recognised it "may be open to potential misinterpretation", it had removed it from its schedules when it first reviewed the programme. The Licensee also said the removal of the content from its schedules when the series was first broadcast showed that there was no systemic problem in its compliance arrangements, and that the broadcast was in error rather than deliberate.
90. We recognise that there were some measures in place to review material prior to broadcast to screen for inappropriate content, and that the Licensee initially identified that the content was inappropriate. However, when the series was later repeated, the episode was included, and the Licensee said this was due to an error on the part of a junior level scheduler, who had failed to review the content. The content would therefore appear to have been broadcast in error either due to failure to mark the content as not for broadcast, or a failure to observe such a marking, or a failure to review unmarked content ahead of broadcast. Therefore, the Licensee did not appear to have adequate compliance procedures in place at the time to prevent the broadcast of material raising potential issues under the Code.
91. We also took into account that the Licensee initially argued that the content did not constitute hate speech. It is open to a Licensee to defend its position robustly in any proceedings brought by Ofcom. However, we consider that the programme was in clear breach of the Code. We considered that this showed a fundamental lack of understanding of the nature of the content, and a flawed understanding of the Code's definition of hate speech. We therefore consider this was evidence of inadequate compliance processes at the time of broadcast for identifying

¹⁶ Al Azhar University is widely recognised as the highest seat of Islamic learning within Islam.

potentially harmful material and ensuring that, once identified, such material was not broadcast. We consider subsequent changes to compliance procedures below.

The extent to which the contravention occurred deliberately or recklessly, including the extent to which senior management knew, or ought to have known, that a contravention was occurring or would occur

92. In its representations, the Licensee stressed that the breaches were not intentional, and provided evidence of the involvement in on-air and off-air activities aimed at promoting social cohesion.
93. We do not consider that the evidence suggests the breaches occurred deliberately, recklessly or with the knowledge of Islam Channel's senior management. We also note that there were some measures to identify potentially harmful material, but that these were evidently insufficient to prevent broadcast.

Whether the contravention in question continued, or timely and effective steps were taken to end it, once the regulated body became aware of it

94. The breaches consisted of a single broadcast which by its nature was not ongoing. The Licensee only became aware of the potentially serious issue raised by the programme on being alerted to the material by Ofcom on 16 November 2018.
95. The Licensee said that following Ofcom's contact it had removed the entire series from its playlist. In its representations, it set out a range of steps it had taken in relation to staff training, new and experienced staff, and a review of its compliance procedures. It said this had led to new compliance training in relation to hate speech (making use of a specialist), and a process in which any programme previously marked as non-compliant is to be automatically referred to its compliance department prior to any later consideration of including it in the broadcast schedule. Ofcom therefore considered effective steps were taken by the Licensee.

Any steps taken for remedying the consequences of the contravention

96. In its response to our Preliminary View that the content breached the Code, the Licensee acknowledged the content in this programme did meet the Code's definition of hate speech and that its breaches of the Code were serious. The Licensee broadcast a statement twice to offer an apology to viewers and stress that Islam Channel "unreservedly condemns all types of hate speech". Ofcom has watched both apologies, which were broadcast in English and with English subtitles as follows:

"On the 11th of November 2018 at 11pm, Islam Channel transmitted an episode in a series called The Rightly Guided Khalifas. The series is not produced in-house by Islam Channel but by a third party based outside Britain.

Part of the programme included allegations that in 1961 Israel printed many copies of the Quran with deliberate distortions and distributed them to countries in Africa and Asia. The programme did not mention that these allegations are disputed. Other comments in the programme suggested Jewish people and the state of Israel had done this to try to destroy the 'beliefs and religion' of Muslims and wanted the 'obliteration' of those beliefs and religion. In various comments in English and Arabic the programme mixed up Israel as a state and Jewish people.

Islam Channel wanted to make clear to viewers that this programme was transmitted by mistake. It contained various comments, which can be regarded as 'hate speech'. The channel condemns unreservedly all hate speech. Hate speech has no place on our service. Islam Channel profoundly regrets that this programme was broadcast and apologises sincerely to all viewers".

97. The Licensee said the first broadcast was at peak time on 29 August 2019 at 18:00. It said the second broadcast on 1 September 2019 at 23.00 matched the day of the week and time that the “offending episode” had been broadcast.
98. We accepted that the Licensee took steps, via the broadcast apology, to try to remedy the consequences of the contravention.
99. We welcomed the wording of this apology, which described the concerning nature of the content, and explicitly accepted it contained comments which could be regarded as hate speech. The apology also unreservedly condemned hate speech. However, we considered that the potential for mitigating the consequences of the contravention was much reduced because the apology was not aired until nearly nine months after the broadcast of the original harmful and offensive content. We considered that the apology would have carried more meaning and reached more viewers who saw and could recall the original broadcast had the Licensee identified sooner that the content was hate speech and broadcast the apology at the earliest opportunity, (e.g. soon after Ofcom first brought the content to the Licensee’s attention on 16 November 2018¹⁷).

Whether the regulated body in breach has a history of contraventions (repeated contraventions may lead to significantly increased penalties)

100. The Licensee has a history of contraventions, albeit we note that the most recent contravention was some time ago and that previous breaches have not involved hate speech. Of most direct relevance to this case, these include three breaches of Section 2 of the Broadcasting Code (harm and offence):
 - Ofcom imposed a £30,000 financial penalty and a direction to broadcast a statement of Ofcom’s findings in relation to a series of broadcasts in 2006¹⁸. This related to breaches of Rule 6.6 in relation to 20 episodes of *The Agenda with Yvonne Ridley*, two breaches of Rule 5.5 and one of Rule 5.12 in relation to the same programme, four breaches of Rule 6.6 and one of Rules 6.8 and 6.9 in relation to *Politics and the Media*, and a breach of Rule 5.12 in relation to *Jerusalem: A Promise of Heaven*. The Licensee had also breached Licence Condition 11 (failure to provide a recording to Ofcom).
 - Ofcom recorded a breach of Rule 2.3 in relation to a broadcast of *IslamiQa* on 18 May 2008, in which the presenter advised viewers that it was permissible for a husband to physically punish his wife¹⁹.
 - Ofcom found the Licensee in breach of Rule 2.3 in relation to a broadcast of *Muslimah Dilemma* on 12 April 2009, where potential harm and offence arose from a lack of clarity surrounding statements in relation to marital rape²⁰, where the broadcast lacked clear condemnation of forced sexual relations within marriage and contextual justification for statements made.
 - Ofcom recorded breaches of Rule 5.5 in relation to due impartiality in broadcasts of *Ummah Talk* and *Politics and Beyond* on 14 and 16 October 2009²¹. Ofcom noted it had significant concerns about Islam Channel’s understanding and compliance processes in relation to Section Five and invited it to attend a compliance meeting.

¹⁷ On 16 November 2018, we informed the Licensee by email that we were assessing the episode in question of *Rightly Guided Khalifas*.

¹⁸ See [Ofcom Content Sanctions Committee consideration of 31 July 2007](#)

¹⁹ See [Ofcom Broadcast Bulletin, Issue 169](#), 8 November 2010

²⁰ See [Ofcom Broadcast Bulletin, Issue 196](#), 19 December 2011

²¹ See footnote 20 for Ofcom Broadcast Bulletin, Issue 196

- Ofcom recorded a breach of Rule 2.3 in relation to an episode of *IslamiQa* on 30 October 2009 where it was suggested, without adequate contextual justification, that a woman wearing perfume in various public places could be considered a “prostitute”.²²
- Ofcom recorded breaches of Rule 9.22 in relation to programme advertising within sponsorship credits on broadcasts of *Isha Adhaan* and *Maghrib Adhaan* on 22 and 23 July 2011.²³
- Ofcom recorded a breach of Rule 5.1 (due impartiality) by the Islam Channel in relation to unjust or unfair treatment of an individual on a news broadcast on 8 June 2012²⁴.
- Ofcom found a 9 October 2013 broadcast of *Hajj Coach* on the Islam Channel to have breached Rule 9.22 in relation to advertising messages in sponsorship credits²⁵.
- Ofcom recorded a breach of Rule 5.5 in relation to due impartiality in a broadcast of *In Conversation with Lutfur Rahman* on 6 March 2014 which Ofcom considered to have presented a one-sided treatment of Mr Rahman’s record as Mayor of Tower Hamlets²⁶.

101. In its representation to Ofcom the Licensee argued it has an “excellent” compliance record with no breach of the Code since the above breach in August 2014. This, it said, showed its “willingness and ability to learn from some previous weaknesses in its compliance” and its “commitment to comply at all times with the Code”. We took into account that the period that has elapsed since the Islam Channel’s most recent breach may indicate some degree of improvement in compliance procedures since those earlier breaches, albeit these were evidently not sufficient to prevent the latest breach.

102. We also took into account that this was Islam Channel’s first breach of the Code involving hate speech. However, reflecting the seriousness of breaches in relation to hate speech, Ofcom has previously imposed statutory sanctions on licensees for a first breach in this area²⁷, including in cases where the broadcast of the material was the result of a compliance failure. See, for example, our decisions in relation to [Sanction \(107\)17 Kanshi Radio Limited](#) and [Revocation Notice - Iman FM Limited](#).

The extent to which the regulated body in breach has cooperated with our investigation

103. In Ofcom’s view, the Licensee has been cooperative. For example, in response to our Preliminary View, it admitted the breaches of the Code in this case and provided full representations in response to Ofcom’s formal requests for information relating to the material broadcast and the service in general. It also expressed a willingness to take, and has given assurances that it has taken, some steps to remedy its failures to comply with the Code.

104. We consider that the Licensee was able to demonstrate that it had responded to concerns raised in the investigation through changes to processes, training and personnel that demonstrated that it took the concerns seriously and reduced the risk of repetition.

²² See footnote 19 for Ofcom Broadcast Bulletin, Issue 169

²³ See [Ofcom Broadcast Bulletin, Issue 197](#), 9 January 2012)

²⁴ See [Ofcom Broadcast Bulletin, Issue 220](#), 17 December 2012)

²⁵ See [Ofcom’s Broadcast Bulletin, issue 245](#), 6 January 2014,

²⁶ See [Ofcom Broadcast Bulletin, Issue 260](#), 18 August 2014)

²⁷ E.g. Trace UK World Ltd. (July 2019); Radio Ikhlas (December 2018); Karimia Limited (February 2018); Iman FM (July 2017); Kanshi Radio (July 2017); and Ariana Television and Radio Network (July 2017).

Other matters

105. We took into account the Licensee's argument that one impact of a sanction is adverse publicity for the broadcaster, and that this can in itself have a financial impact in addition to the size of any financial penalty.

Precedent

106. Rules 3.2 and 3.3 were introduced by Ofcom in May 2016, following a review of Section Three of the Code. These rules are designed to deal with content such as hate speech, and abusive and derogatory treatment which may not in itself amount to material likely to encourage or incite the commission of crime or to lead to disorder and therefore may not be captured by Rule 3.1. Prior to the review, such material would normally have been considered under the harm and offence rules in Section Two of the Code.
107. In accordance with the [Penalty Guidelines](#), in coming to this Decision, Ofcom has had regard to relevant precedents set by previous cases. Given that Rules 3.2 and 3.3 were introduced in May 2016 we have had regard to comparable breaches of Section 2 and Section 4 of the Code before that date.
108. We note that we amended our [Penalty Guidelines](#) on 3 December 2015 and on 14 September 2017. Both times, this was to secure that penalties had an appropriate deterrent effect. On 14 September 2017 we noted that the update was, in particular, to ensure that we could impose penalties at the appropriate level effectively to deter contraventions of regulatory requirements. Precedents pre-dating these revisions are of less value.
109. **23 August 2013, Takbeer TV Limited**²⁸ – Ofcom imposed a penalty of £25,000 and directed the licensee to broadcast a statement of Ofcom's findings for breaching Rules 4.1 and 4.2 which require broadcasters to exercise the proper degree of responsibility with respect to religious programmes and not to subject the views and beliefs of members of particular religions to abusive treatment. This case related to the broadcast of two religious phone-in programmes that subjected members of the Ahmadi community and their beliefs to abusive treatment, including describing that community as having "*monstrous*" intentions and being "*lying monsters*" and worthy of elimination by Allah, "*by using worms and vermin*". Two callers also made sustained, repeated and derogatory references to Mirza Ghulam Ahmad Qadiani, founder of the Ahmadiyya religion, stating, for example, that "*the whole world knows...Mirza died in a shit cubicle.*" The second programme showed the proceedings of a religious symposium in Luton, during which the presenter said that: the Ahmadi holy books were "*replete with filth*"; "*the word 'Qadiani' is...detestable*"; and, the Ahmadi religion is "*filth*". We note that this case involved repeated breaches following similar contraventions in 2011.²⁹
110. **21 December 2015, Lancaster LLC**³⁰ – Ofcom recorded a breach of Rule 2.3 but did not consider that the breach warranted the imposition of a statutory sanction. The case related to the broadcast of a religious sermon, recorded in 1985, by evangelical Christian minister Jimmy Swaggart. During one section of the sermon, Mr Swaggart referred: to gay people as "*sex perverts*"; included homosexuality in a list of practices he described as "*filth*" (the list also included "*incest*" and "*paedophilia*"); and, referred to a Gay Pride Event as "*degenerate*" and "*obscene*". In deciding the case did not warrant a sanction, we said that the sermon dated from the 1980s and the audience were more likely to perceive the remarks as reflecting outdated views.

²⁸ See [Sanction 91\(13\) Takbeer TV Limited](#)

²⁹ See: [Ofcom Broadcast Bulletin, Issue 184, 20 June 2011](#), page 14 onwards

³⁰ See: [Ofcom Broadcast Bulletin, Issue 295, 21 December 2015](#), page 22 onwards

111. **9 May 2016, Lancaster LLC**³¹ – Ofcom recorded breaches of Rules 2.2 and 2.3 and directed the Licensee to broadcast a summary of its findings. The programme in question, *Frances and Friends*, included a live discussion about immigration in Europe, where a presenter made the offensive and misleading statement that all rapes in Sweden were being carried out “not by Swedes, not by Germans, not by Polish people, by Muslims”. The programme included other offensive remarks suggesting that the attitudes and actions of ISIL and its followers were typical of Islam, and that Islam and all practitioners of the Islamic faith were associated with or sympathetic to terrorism. In deciding not to impose a financial penalty, we noted that the remarks were made in a live rather than pre-recorded programme and some limited, but inadequate, contextualisation was provided by a presenter and that a range of steps to improve compliance and prevent a recurrence had been taken.
112. **11 November 2016, Club TV Limited**³² – Ofcom imposed a penalty of £65,000 on the broadcaster relating to antisemitic content, which was found in breach of Rules 2.1 and 2.3 of the Code. It followed two previous compliance breaches by a licensee related to Club TV which shared its compliance function.³³ The breach related to two programmes in which recordings of public lectures given by the Islamic scholar, Dr Israr Ahmad, covering the role and actions of Jewish people through history. The programmes included numerous discriminatory remarks about Jewish people, portraying them as a homogenous group and in overwhelmingly negative and stereotypical terms. Ofcom considered that the broadcast had the potential to spread antisemitism (i.e. were a form of hate speech) and to cause harm and offence.
113. **20 December 2016, Mohuiddin Digital Television Limited**³⁴ – Ofcom imposed a penalty of £75,000 on the licensee and directed it to broadcast a statement of Ofcom’s findings for breaches of Rules 2.1 and 2.3. The programme included recordings of a religious festival and featured religious scholars and preachers. One speaker recounted a parable lauding the killing of a Jewish trader as an example of the devotion and obedience of a disciple of the Prophet Mohammed. Ofcom considered that the speaker’s comments had the potential to spread antisemitism. In particular, we considered the content portrayed the murder of Jewish people in positive terms, was delivered to a predominantly Muslim audience by a religious scholar, who spoke without his views being challenged or contextualised.
114. **25 July 2017, Kanshi Radio Limited**³⁵ – Ofcom imposed a penalty of £17,500, and a direction to broadcast a statement of findings for breaching rules 2.1, 2.3, 3.2 and 3.3 of the Code. The case concerned two broadcasts of a song called *Pinky*. The Punjabi lyrics contained aggressively pejorative references to the Muslim community, and Muslim women in particular. The song also included well known sacred Islamic phrases that were interspersed with very offensive terms while the sounds of gunshots were heard. We also considered the song was an expression of an extreme Sikh perspective in opposition to the Muslim community, and was a clear example of hate speech and abusive and derogatory towards women. We also considered that the content had the potential to cause harm by increasing tensions between the Sikh and Muslim communities and to promote the objectification and abuse of women.
115. **19 December 2018, Radio Ikhlas Limited**³⁶ – Ofcom imposed a penalty of £10,000 and directed the licensee to broadcast a statement of Ofcom’s findings for breaching Rules 2.3, 3.2 and 3.3. The presenter of a phone-in programme had discussed the beliefs of the Ahmadiyya community

³¹ See: [Ofcom Broadcast Bulletin, Issue 304, 9 May 2016](#), page 18 onwards

³² See: [Sanction 103\(16\) Club TV Limited](#)

³³ See: [Ofcom Broadcast Bulletin, Issue 145, 9 November 2009](#), page 4 onwards
and: [Ofcom Broadcast Bulletin, Issue 218, 19 November 2012](#), page 22 Onwards

³⁴ See: [Sanction 104 \(16\) Mohiuddin Digital Television Limited](#)

³⁵ See: [Sanction \(107\)17 Kanshi Radio Limited](#)

³⁶ See: [Sanction 110 \(18\) Radio Ikhlas](#)

in offensive and pejorative terms. Ofcom found that the licensee had failed to identify that the presenter lacked understanding of the Broadcasting Code. Ofcom found that the material constituted hate speech which was intended to spread, incite, promote or justify hatred against Ahmadi people on religious grounds. We considered that the contraventions were at least reckless, as the licensee did not have adequate systems in place to prevent the breaches occurring or to take swift action to mitigate their adverse effects. It failed to monitor its live output on the day of the contravention, and it did not broadcast an apology for over a month after Ofcom had contacted it about the programme. This was the first breach of our rules for hate speech by the licensee.

116. **15 April 2019, City News Network (SMC) Pvt Ltd**³⁷ – Ofcom imposed a penalty of £75,000 and a direction to broadcast a statement of findings for breaching Rules 2.3, 3.2 and 3.3. A guest featured in two current affairs discussion programmes made a series of unfounded accusations about members of the Ahmadiyya community, including that Ahmadi people had committed acts of murder, terrorism and treason as well as undertaking political assassinations. The same guest made remarks that attributed conspiratorial intent to the actions of the Pakistani authorities towards the Ahmadiyya community and stated they were being favoured in Pakistani society at the expense of orthodox Muslims. Ofcom considered the Licensee had been reckless in inviting the same guest who had made statements constituting hate speech and abusive and derogatory treatment of Ahmadi people to appear in a further live edition of the programme in which they made similar remarks in breach of the Code.
117. **27 June 2019, Trace World UK (Starz)**³⁸ – Ofcom directed the Licensee to broadcast a statement of Ofcom’s findings for breaches of Rules 1.2, 4.2 and 4.8 the BCAP Code (The UK Code of Broadcast Advertising). The breaches related to an image submitted by a viewer alongside a music video depicting a cartoon caricature of a Jewish person based on racist stereotypes. The image was likely to have been interpreted by viewers as being highly offensive and antisemitic. It was repeatedly reshowed in rotation with photographs submitted by other viewers. Ofcom took into account that the breach was not deliberate, reckless or repeated, and that the Licensee had deleted the image, broadcasting an on-screen apology and improving its compliance. We also took into account that the material did not derive from a respected source which would lend it additional credibility and religious or moral weight but was instead viewer submitted material that had been inadequately moderated. We decided to direct the licensee to broadcast a summary of the breach decision rather than to impose a financial penalty.
118. **5 May 2020, Lord Productions Inc Limited**³⁹ – Ofcom imposed a penalty of £100,000 in relation to the service Peace TV for breaching Rules 2.3, 3.2 and 3.3 of the Code. The breaches related to a religious programme focusing on the theme of homosexuality and Islam. The presenter, an Imam, made a series of statements about homosexuality including: comparing homosexual people to animals, specifically a pig which the speaker referred to as an animal which was “nasty and corrupted”; asserting that homosexual people contract disease (by implication HIV and AIDS) “because they are homosexual”; and, describing the practice of homosexuality as insane, corrupt and a manifestation of satanic influence.
119. We note that, as set out in the [Penalty Guidelines](#), Ofcom may depart from these cases depending on the facts and context of the current case.
120. We considered the Licensee’s argument in relation to parallels with the Lancaster LLC cases. We do not agree that the fact that *The Rightly Guided Khalifas* included reference to an alleged incident in 1961 and a letter written by Shaykh Al Azhar at that time, meant that it was

³⁷ See: [Sanction \(111\)19 City News Network \(SMC\) Pvt Ltd](#)

³⁸ See: [Sanction 113 \(19\) Trace UK World Ltd](#)

³⁹ See [Sanction 127 \(19\) Lord Production Inc Limited](#)

representing clearly outdated views. As set out in our Breach Decision, past allegations were cited as evidence in order to ascribe perpetually negative characteristics to Jewish people.

121. That said, we accept that the content considered in the Lancaster LLC cases was very offensive. However, the case predated⁴⁰ the introduction of rules 3.2 and 3.3 of the Code, which signalled to broadcasters the need to take hate speech more seriously. It also predated our latest amendment to our Penalty Guidelines, in which we made it clear that we would be placing more emphasis on deterrence in setting financial penalties. Since that case, as the list above shows, we have imposed much more significant financial penalties in relation to hate speech of all kinds. We therefore did not consider that it would be appropriate to treat this case the same as the LLC cases.

The size and turnover of the regulated body when considering the deterrent effect of any penalty

122. As set out in our [Penalty Guidelines](#), the central objective of imposing a penalty is deterrence. The amount of any penalty must be sufficient to ensure that it will act as an effective incentive to compliance, having regard to the seriousness of the infringement. In considering what financial penalty is proportionate and will have a deterrent effect, we have taken into account the financial data provided by the Licensee on its qualifying revenue for the last accounting period, which was £X.
123. We have also taken into account that the current financial year is particularly challenging for the Licensee, as it is for other broadcasters, as a result of the COVID-19 pandemic. In the case of the Licensee, we particularly note the importance of Ramadan in terms of the finances of the Islam Channel, and the fact that this fell in April and May 2020 whilst the UK was at a high alert level and very significant restrictions were in place on individuals and businesses.

Decision

124. Having regard to all the circumstances referred to above, including the need to achieve an appropriate level of deterrence and the particularly serious nature of the Code breaches in this case, and all the representations to date from the Licensee, Ofcom's Decision is that an appropriate and proportionate sanction would be a financial penalty of £20,000. In addition, Ofcom considers that the Licensee should be directed not to repeat the programme without edits to remove content in breach of the Code, and to broadcast a statement of Ofcom's findings in this case, on a date and in a form to be determined by Ofcom.

Ofcom

9 September 2020

⁴⁰ The content was broadcast on 18 December 2015