[GB] Ofcom Fines Broadcaster for Failing to Respect Religious Beliefs

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In a decision on 23 August 2013, Ofcom (Office of Communications) considered whether Takbeer TV Limited (TTVL) was in breach of its obligations to act responsibly regarding the content of religious programmes and to ensure a particular religion or religious denomination was not subjected to religious abuse pursuant to the Broadcasting Code. Ofcom derives its statutory authority to regulate the standards of television and radio pursuant to the Communications Act 2003. One of Ofcom's duties under section 3(2)(e) of the Communications Act 2003 is to ensure that programmes broadcast on television and radio adequately protect the public from the inclusion of offensive and harmful material. In order to implement Ofcom's responsibilities pursuant to Communications Act 2003, Ofcom has a Broadcasting Code that has been drafted so as to be compatible with the Human Rights Act 1998.

Rule 4.1 of the Broadcasting Code states: "Broadcasters must exercise the proper degree of responsibility with respect to the content of programmes which are religious programmes."

Rule 4.2 states: "The religious views and beliefs of those belonging to a particular religion or religious denomination must not be subject to abusive treatment "

TTVL on the 9th June and 12th July 2012 broadcast a programme called Global Khatm E Nabuwat. During the two broadcasts, which included a phone-in with the general public, various attacks were made on the Ahmadiyya religion and Ahmadi community by the public contributors, some panelists, and - in one instance - even the presenter gave support for the attack on this religion.

Ofcom investigated the content of the two programmes and found that there had been breaches of Rules 4.1 and 4.2 of the Broadcasting Code, including a failure to properly monitor and moderate the public calls, and for the presenter not showing impartiality.

Ofcom had regard to its statutory sanctions that came into effect on 1 June 2011 and included reference to paragraph 1.10 of the Sanctions Procedures, whereby Ofcom may impose a sanction if it considers that a broadcaster has seriously, deliberately, repeatedly or recklessly breached a relevant requirement.

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TTVL had previously breached its obligations pursuant to the Broadcasting Code and Ofcom considered the current complaints to be of a very serious nature. TTVL had previously said it would improve its procedures to ensure compliance with Rules 4.1 and 4.2 of the Broadcasting Code, but this had not prevented the breaches on the 9 June and 12 July broadcasts.

TTVL said it was a community religious channel run by volunteers and six, paid technical staff, one of whom was also the programme controller. It was not clear from TTVL's representations who, if anyone, was responsible for quality control. It transpired that the "delayed calling system", which provides a short time lapse so as to intercept abusive contributors to a live, broadcast had not worked. Ofcom considered this to be negligence on TTVL's part.

Ofcom recognised that TTVL had co-operated with its enquiry and also that the TV company was in poor financial health. However, that had to be balanced against the seriousness of the breaches, that there had been previous complaints and, despite assurances, there had been no improvement in quality control, and also its failure to issue a public apology after the transmissions. Ofcom was concerned that future breaches could arise.

Ofcom imposed a financial penalty of GBP 25,000 (under section 237(3) of the Communications Act Ofcom can impose a fine of up to GBP 250,000 or 5% of qualifying revenue, whichever is the greater), TTVL had to broadcast Ofcom's findings, and Ofcom will also visit TTVL's premises to monitor content and review the broadcaster's compliance procedures.

Ofcom's Decision of Sanction against Takbeer TV Limited ("TTVL" or "the Licensee") in respect of its service Takbeer TV (TLCS-1030), Sanction 91(13), 23 August 2013

http://stakeholders.ofcom.org.uk/binaries/enforcement/content-sanctions-adjudications/takbeer.pdf

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