[GB] New Ofcom rules on hate speech and abusive treatment

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On 4 May 2016, Ofcom, the UK broadcasting regulator, published a statement announcing changes to rules in Section Three of the Broadcasting Code and the accompanying guidance, made to "ensure they are as clear as possible for broadcasters".

Thus, the version of the Code, in force as of 9 May 2016, becomes the latest version of the Code, and applies to all programmes broadcast on or after that date. Earlier programmes are covered by the Code in force on the date of broadcast.

Section Three pertains to material that is "likely to incite crime or disorder" and material containing "hatred, abusive and derogatory treatment, and portrayals of crime and criminal proceedings."

First, Ofcom has updated the title of the Section, which now reads "Crime, Disorder, Hatred and Abuse", from its previous title "Crime". Second, two additional rules have been set out. These address content containing "hate speech and abusive or derogatory treatment." On hate speech, the new Rule 3.2 provides that "material which contains hate speech must not be included in television and radio programmes except where it is justified by the context." On abusive or derogatory treatment, the new Rule 3.3 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."

Importantly, Ofcom provides guidance notes on the meaning of "context" in both rules, stating, "key contextual factors may include, but are not limited to": (a) the genre and editorial content of the programme, programmes or series, and the likely audience expectations. For example, there are certain genres such as drama, comedy or satire where there is likely to be editorial justification for including views that are challenging or extreme in relation to audience expectations, provided there is sufficient context. The greater the risk for the material to cause harm or offence, the greater the need for more contextual justification; (b) the extent to which sufficient challenge is provided; (c) the status or position of anyone featured in the material; (d) the service on which the material is broadcast; and (e) the likely size and composition of the potential

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audience, and their likely expectation.

Ofcom, Statement: Broadcasting Code Review - Section Three: Crime, 4 May 2016

http://stakeholders.ofcom.org.uk/consultations/broadcasting_code_review/statement/?utm_source=updates&utm_medium=email&utm_campaign=Code-Section-Three-Statement&utm_term=%22Broadcasting%20Code%22%2C%20%22Section%20Three%22%2C%20%22Crime%22%2C%

Ofcom, The Broadcasting Code (Incorporating the Cross-promotion Code)

http://stakeholders.ofcom.org.uk/binaries/broadcast/code-may16/Ofcom_Broadcast_Code_May_2016.pdf

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