[GB] Broadcaster fined GBP 17,500 for broadcasting potentially offensive and harmful content

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On 25 July 2017, Ofcom, the UK communications regulator, decided, in a fifteen-page decision, to impose a financial sanction on a broadcaster due to the particularly serious nature of breaches of the Broadcasting Code. The matter involved Kanshi Radio, a satellite radio station that provides speech and music programmes for the Asian community in the UK. The licence for Kanshi Radio is held by Kanshi Radio Limited. A complainant alerted Ofcom to a "filthy Punjabi" song (lasting eleven minutes) broadcast on 1 September 2016 on this station containing lyrics that the complainant considered were "threatening to ... Muslim women". In its representations, the licensee confirmed that the song had also been broadcast on 30 June 2016. The station offered its "sincerest apologies ... and regret that this incidence [sic] took place", adding that the song had not been "broadcast intentionally with [the] purpose to offend or threaten anybody". It added that "The material was not created by Kanshi Radio and does not reflect who we are."

The initial finding and the notice of sanctions included: "Warning: This Finding contains very offensive language (as the song when translated from Punjabi, included the words c*ck, c*nt, s*it, f*ck, mother*ucker, b*tch, b*stard, t*ts and more)".

Under the Communications Act 2003, Ofcom has a statutory duty to set such standards for broadcast content as appear to it best calculated to secure the standards' objectives, including that "generally accepted standards are applied so as to provide adequate protection for members of the public from the inclusion of offensive and harmful material". This duty is reflected in sections 2 and 3 of the Code. Ofcom considered that the above-mentioned content clearly raised issues warranting investigation under the following rules of the Code: Rule 2.1 - "Generally accepted standards must be applied to the content of television and radio services so as to provide adequate protection for members of the public from the inclusion in such services of harmful and/or offensive material"; Rule 2.3 - "In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context ..."; Rule 3. - "Material which contains hate speech must not be included in television and radio programmes except where it is justified by the context"; and Rule 3.3 - "Material which contains abusive or derogatory treatment of individuals, groups, religions or

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communities, must not be included in television and radio services except where it is justified by the context".

Ofcom considered the breaches in this case to be serious and put the "Licensee on notice that we will consider these breaches for the imposition of a statutory sanction." In accordance with Ofcom's penalty guidelines, Ofcom decided that it was appropriate and proportionate in the circumstances to impose a financial penalty of GBP 17,500 on the Licensee (payable to HM Paymaster General). In addition, KRL is directed to broadcast a statement of Ofcom's findings, on a date and time to be determined by Ofcom.

Ofcom, Sanction (107)17 Kanshi Radio Limited, 25 July 2017

https://www.ofcom.org.uk/__data/assets/pdf_file/0020/105167/kanshi-radio-sanction-decision.pdf

Ofcom, Ofcom Broadcast and On Demand Bulletin, Issue number 318, 5 December 2016, p. 6

https://www.ofcom.org.uk/__data/assets/pdf_file/0025/95137/Issue-318-of-Ofcoms-Broadcast-and-On-Demand-Bulletin,-to-be-published-on-5-December-2016-revision-01.pdf

Ofcom, Penalty guidelines, 14 September 2017

https://www.ofcom.org.uk/__data/assets/pdf_file/0022/106267/Penalty-Guidelines-September-2017.pdf

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