[GB] Arabic satellite news channel in breach of the Ofcom rules on offensiveness

IRIS 2018-7:1/20

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On 8 May 2018 the UK's communications regulator, Ofcom, determined that Al Hiwar, a satellite news channel broadcasting to Arab communities in the UK and Middle East, had breached the rules concerning the causing of harm and offence under Ofcom's Broadcasting Code. The licence for Al Hiwar is held by Sage Media Ltd.

As part of its routine monitoring activities, Ofcom assessed the daily current affairs programme Free Speech, which broadcasts in Arabic. The second half of the programme featured a live discussion concerning protests across several Arab countries and elsewhere in the Middle East in response to the Israeli authorities' controversial decision to install electronic security gates at the al-Aqsa Mosque in July 2017. The al-Aqsa Mosque is located in the Old City of Jerusalem and is considered to be one of the most holy sites in Islam. The widespread protests were referred to in the programme as a "Day of Mobilisation" and the presenter expressed his deep disappointment in many Arab rulers "say[ing] nothing" and "hid[ing] their head[s] in the sand." The presenter subsequently invited viewers to phone in and share news regarding demonstrations or protests that might have taken place in their countries.

Exchanges between the presenter and the callers indicated that the subject matter discussed was quite emotive. Ofcom took the view that two particular contributors' statements had had the potential to cause material offence as they appeared to have referred to the use of violence as "a legitimate alternative to peaceful protests" against the Israeli authorities' actions. In Ofcom's opinion, the audience would not have reasonably expected to hear explicit references to "armed resistance within Palestine and abroad" (a caller from Libya) and the use of weapons "for the right cause, which is jihad" (another caller from Palestine).

The regulator recognised that Al Hiwar's audience was likely to have expected that events relating to the al-Aqsa Mosque would be discussed on the channel. It also considered the licensee's representations that it had not sought to pre-select contributors prior to the broadcast and that the presenter had interjected responses to callers' utterances. Nevertheless, Ofcom held that the overall context of the programme was not sufficient to justify the "highly offensive nature" of the two above-mentioned callers' comments. In its decision, it stressed

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that presenters of programmes involving viewer participation play a key role in steering the general direction of discussion and ensuring that potentially offensive comments are contextualised appropriately, especially in cases involving highly charged subject matters such as this one. The regulator acknowledged that the presenter did intervene, but found that he did not rebut the callers' views and positive references to violent action. In Ofcom's view, "this lack of challenge or counter-balance in the programme was likely to have increased the potential for offence in this case". Al Hiwar was consequently found in breach of the Ofcom Code because the contributors' statements had been inconsistent with generally accepted standards in the UK and the material that had been broadcast was not justified by contextual factors (Rule 2.3).

Moreover, the regulator believed that the content of the programme raised issues under its Rule 3.1 which requires that television or radio services must not include material likely to encourage or incite the commission of crime, or lead to disorder. In determining whether material violates this rule, Ofcom considers all the relevant circumstances, including the nature of the content, its editorial purpose and any likely effects. In this case, the status of the two above-mentioned callers from Libya and Palestine was of relevance too: neither of them appeared to be people who were "authoritative or who might have otherwise been in a position to exert influence over the audience". Although their comments had been "highly offensive" and could not be justified by the context, they were unlikely to have had the potential to incite crime or disorder, given the fact that all the other contributors to the programme had referred to "mobilisation" in terms of peaceful demonstrations. In the light of these factors, no breach of Rule 3.1 was found.

Ofcom, Broadcast and On Demand Bulletin, Issue 353, 8 May 2018, p. 6

https://www.ofcom.org.uk/__data/assets/pdf_file/0021/113772/issue-353-broadcast-on-demand-bulletin.pdf

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