

Ofcom Broadcast Bulletin

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Contents

| | |
|--------------|---|
| Introduction | 3 |
|--------------|---|

Standards cases

In Breach

| | |
|---|----|
| Rehmatul Lil Alameen <i>DM Digital, 9 October 2011, 18:30</i> | 4 |
| POAF Conference <i>DM Digital, 25 November 2011, 19:00 and 4 December 2011, 21:00</i> | 16 |
| Nitro Circus <i>Extreme Sports Channel, 8 February 2012, 15:30</i> | 26 |
| The Commissioner <i>Movies4Men, 16 February 2012, 14:30</i> | 28 |

Advertising Scheduling cases

In Breach

| | |
|--|----|
| Breach findings table <i>Code on the Scheduling of Television Advertising compliance reports</i> | 30 |
|--|----|

| | |
|---------------------------------------|----|
| Other Programmes Not in Breach | 31 |
|---------------------------------------|----|

| | |
|--|----|
| Complaints Assessed, Not Investigated | 32 |
|--|----|

| | |
|----------------------------|----|
| Investigations List | 38 |
|----------------------------|----|

Introduction

Under the Communications Act 2003, Ofcom has a duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives¹, Ofcom must include these standards in a code or codes. These are listed below.

The Broadcast Bulletin reports on the outcome of investigations into alleged breaches of those Ofcom codes, as well as licence conditions with which broadcasters regulated by Ofcom are required to comply. These include:

- a) Ofcom's Broadcasting Code ("the Code"), which, can be found at: <http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/broadcast-code/>.
- b) the Code on the Scheduling of Television Advertising ("COSTA") which contains rules on how much advertising and teleshopping may be scheduled in programmes, how many breaks are allowed and when they may be taken. COSTA can be found at: <http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/advert-code/>.
- c) certain sections of the BCAP Code: the UK Code of Broadcast Advertising, which relate to those areas of the BCAP Code for which Ofcom retains regulatory responsibility. These include:
 - the prohibition on 'political' advertising;
 - sponsorship and product placement on television (see Rules 9.13, 9.16 and 9.17 of the Code) and all commercial communications in radio programming (see Rules 10.6 to 10.8 of the Code);
 - 'participation TV' advertising. This includes long-form advertising predicated on premium rate telephone services – most notably chat (including 'adult' chat), 'psychic' readings and dedicated quiz TV (Call TV quiz services). Ofcom is also responsible for regulating gambling, dating and 'message board' material where these are broadcast as advertising².

The BCAP Code is at: www.bcap.org.uk/The-Codes/BCAP-Code.aspx

- d) other licence conditions which broadcasters must comply with, such as requirements to pay fees and submit information which enables Ofcom to carry out its statutory duties. Further information on television and radio licences can be found at: <http://licensing.ofcom.org.uk/tv-broadcast-licences/> and <http://licensing.ofcom.org.uk/radio-broadcast-licensing/>.

Other codes and requirements may also apply to broadcasters, depending on their circumstances. These include the Code on Television Access Services (which sets out how much subtitling, signing and audio description relevant licensees must provide), the Code on Electronic Programme Guides, the Code on Listed Events, and the Cross Promotion Code. Links to all these codes can be found at: <http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/>

It is Ofcom's policy to describe fully the content in television and radio programmes that is subject to broadcast investigations. Some of the language and descriptions used in Ofcom's Broadcast Bulletin may therefore cause offence.

¹ The relevant legislation is set out in detail in Annex 1 of the Code.

² BCAP and ASA continue to regulate conventional teleshopping content and spot advertising for these types of services where it is permitted. Ofcom remains responsible for statutory sanctions in all advertising cases

Standards cases

In Breach

Rehmatul Lil Alameen

DM Digital, 9 October 2011, 18:30

Introduction

DM Digital is a television channel primarily aimed at an Asian audience in the UK, which features broadcasts in a number of languages including English, Punjabi, Urdu, Sindhi, Kashmiri and Hindi. The service is also received in the Middle East and parts of Asia. The licence for this channel is held by DM Digital Television Limited ("DM Digital" or the "Licensee"). The programme above, which was in Urdu and was approximately one hour in duration, featured a presenter who introduced an Islamic Pir (a religious scholar) who delivered a live televised lecture about points of Islamic theology with reference to the shooting dead in early 2011 of the Punjab governor Salmaan Taseer by his bodyguard Malik Mumtaz Qadri. Salmaan Taseer had been a vocal critic of Pakistan's blasphemy law¹. This law punishes derogatory remarks against notable figures in Islam and carries a potential death sentence for anyone who insults or is judged to blaspheme against the Prophet Mohammed. At certain points the presenter of the programme made comments or asked the religious scholar for clarification.

A viewer alerted Ofcom to statements made during the programme that it was acceptable to murder any person thought to have shown disrespect to the Prophet Mohammed, and that the founder of the Ahmadiyya Muslim community was an acceptable target for murder. The Ahmadiyya religion is a comparatively small Islamic movement founded by Mirza Ghulam Ahmad Qadiyani that grew out of mainstream Islam in the nineteenth century, whose followers believe themselves to be true Muslims.

Ofcom commissioned a transcript of the programme, translated into English by an independent translator. Due to the seriousness of the issues highlighted by this complaint, Ofcom also commissioned a second transcript of the content, translated into English by a second independent translator. There were no material differences between the two translations².

Having carefully reviewed the transcript, we noted first the following remark made by the presenter of the programme:

"...if someone takes a step in the love of the Prophet, then this is not terrorism".

This was followed by the Islamic scholar's lecture, from which Ofcom noted in particular the following remarks:

¹ Section 295-C of Pakistan's Criminal Code.

² Where appropriate in this decision, we have identified where the two translations differed slightly in wording and terminology.

“Under the guidance from Islamic texts it is evident that if a Muslim apostatises, then it is not right to wait for the authorised courts; anyone may kill him”.

“An apostate deserves to be killed and any man may kill him. For this, you do not need to contact the authorised courts. Because the prophet did not question Omar’s³ act [i.e. killing someone for showing disrespect for the Prophet], it proves that such an act is permitted”⁴.

“...if someone denies the existence of God, you may have a defensive war with them but if someone insults the Prophet, you should not be defensive but you should aggressively attack them. You should go to their homes and fight them there”⁵.

“The man who has killed [Salmaan Taseer] has done an act of great love and proved his loyalty. It was his duty to do so. Some people say that he was supposed to guard [Salmaan Taseer] but a man’s first duty is to protect his father and Abu Ubaydah⁶ killed his own father because the latter denied the apostolate of Prophet Mohammed....When Abu Ubaydah killed his father, Allah praised him because he had killed in the love of the Prophet Muhammed. Such an act does not fall into the category of terrorism”⁷.

“I hail those who made this law [i.e. Pakistan’s blasphemy law] which states that one who insults the Prophet deserves to be killed – such a person should be eliminated”.

“This is not terrorism because [Malik Mumtaz Qadri] killed the one who had insulted the Prophet”.

“The matter of insulting the Prophet does not fall in the category of terrorism. Those who cannot kill such men [i.e. who insult Mohammed] have no faith. It is your duty, the duty of those who recite the holy verse to kill those who insult Prophet Mohammed. Court interference is not a prerequisite for this”.

³ Omar was a leading companion of the Prophet Mohammed.

⁴ The second translation stated: *“He who does not accept the legal supremacy of the Holy Prophet, it is such impudence that he becomes apostate and for that reason he deserves to be killed. Anyone could kill him and there is no need to contact the competent court. And the Holy Prophet came and made it clear that if his action had been against the law, he would definitely had called him to account. The Holy Prophet’s act of not calling Hazrat Omar to account and not questioning him, is proof that he legalised his action”.*

⁵ The second translation stated: *“If you fight against the deniers of God, you should fight a defensive war, and if you fight a war against the deniers of the Holy Prophet, do not fight a defensive war, you are allowed to fight an offensive war, go and fight in people’s houses”.*

⁶ Abu Ubaydah was another companion of the Prophet Mohammed.

⁷ The second translation stated: *“The person who killed him has done something which the lovers do and has proved his sense of honour. It was his duty to do that. To think he was an employee of someone, he had a duty to protect him. A man is bound to protect his father first of all. Did Hazrat Abu Ubaydah bin Jarrah, considering his father was a denier of the Holy Prophet, kill him or not?... Hazrat Abu Ubaydah bin Jarrah, may Allah be pleased with him, had killed his father. Allah praised him for he had done that out of love for the Holy Prophet. This does not fall in the category of terrorism”.*

"To say that this law [i.e. the Pakistan blasphemy law] is a cruel or black law is an act of non-belief. If someone will say this, he will be regarded as apostate and his murder will be obligatory upon Muslims".

"However great a man, if he insults the Prophet, he deserves to be killed and all Muslims should know this..."

"One greater in status than a governor, if he insults Prophet Muhammad, deserves to be killed. Any Muslim may kill such a man and there is guidance in Islamic texts that the killer should not be questioned or reprimanded"⁸.

"If you are in Pakistan, in an Islamic country, then any man may kill those who insult Prophet Mohammed. He will not be prosecuted".

Ofcom considered that these comments raised issues under Rule 3.1 of the Code, which states that:

"Material likely to encourage or incite the commission of crime or to lead to disorder must not be included in television or radio services".

As stated above, the programme was a live televised lecture which to a great extent focussed on Islamic theology. As such, the programme was clearly a "religious programme" for the purposes of the rules in Section Four of the Code. Section Four explains that a "religious programme" is a programme which deals with matters of religion as the central subject, or as a significant part, of the programme.

In addition to raising issues under Rule 3.1, we considered that the programme, as a whole, also raised issues under Rule 4.1 of the Code. Rule 4.1 states that:

"Broadcasters must exercise the proper degree of responsibility with respect to the content of programmes which are religious programmes".

We also considered that specific comments included in the programme relating to Ahmadi Muslims and the Ahmadiyya community raised issues under Rule 4.2 of the Code. Rule 4.2 states that:

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

In particular, we were concerned about the broadcasting of the following remarks:

Islamic scholar: *"The entire Muslim world has declared [Mirza Ghulam Ahmad Qadiyani] an apostate and one who deserves to be killed".*

Presenter: *"You once issued a fatwa that we do not regard any of these as non-believers except the Mirzais [Ahmadis]".*

Islamic scholar: *"Because the 72 sects recite the holy verse, they are all Muslims but not the Ahmadis because these deny one of the fundamentals of Islam. They are non-believers because of this. Anyone who denies one of the fundamentals of Islam is a non-believer".*

⁸ The second translation stated: *"Even if someone in a higher position than the governor commits the contempt of the Holy Prophet, he is deserving to be killed. It is not right to wait for the competent court. Any Muslim can kill him. He will not be called to account".*

Under section 319 of the Communications Act Ofcom has a duty to set such standards for the content of television and radio programmes as appear best calculated to secure the specific standards objectives listed in section 319(2). In particular, section 319(2)(b) requires Ofcom to secure “that material likely to encourage or to incite the commission of crime or to lead to disorder is not included in television and radio services” and section 319(2)(e) requires “that the proper degree of responsibility is exercised with respect to the content of programmes which are religious programmes”.

Rules 3.1, 4.1 and 4.2 of the Code, as referred to above, give effect to the standards objectives set out in section 319(2) at paragraphs (b) and (e).

It is important to note in relation to Rule 3.1 that the standards objective in section 319(2)(b) requires Ofcom to consider the *likely* effect of material included in a service. This is fundamentally different from the test that would apply for bringing a criminal prosecution.

Having assessed the programme and the specific comments against the relevant Code rules, we invited the Licensee to make representations to Ofcom. In particular, we asked DM Digital for its comments as to how the inclusion in the programme of statements that it was acceptable to murder any person thought to have shown disrespect to the Prophet Mohammed complied the requirements in Rule 3.1. We also asked the Licensee for its representations as to how the programme as a whole complied with Rule 4.1 and how the inclusion of particular comments about Mirza Qadiyani and Ahmadi Muslims complied with Rule 4.2.

Response

DM Digital made clear that it did not condone the comments made within the programme in question. The Licensee however said that it did not consider that there had been “serious breaches” of Rules 3.1, 4.1 and 4.2 of the Code. The Licensee stated that the Islamic scholar featured in the programme did not work for DM Digital, but was a lawyer in Pakistan. In this programme the scholar was “commenting on his interpretation of the law in Pakistan in relation to those who are alleged to have profaned the character of the Holy Prophet of Islam [Mohammed]”. In this case, the Islamic scholar was discussing the case of Malik Mumtaz Qadri “who has been sentenced to death by the Court in Pakistan for killing a governor [Salmaan Taseer] in Pakistan”.

DM Digital said that the Islamic scholar belonged to a charity organisation, and was stating that that organisation “should get together and raise funds for [Malik Mumtaz Qadri’s] defence for an appeal to the High Court”. The Licensee added that: “The text was taken out of context, and if read as a whole, it is clear that he was commenting on the blasphemy law in Pakistan and not personally advocating any violence”. Further, DM Digital said that the Islamic scholar “did not advocate that people ought to engage in crime or disorder, he was merely stating what the law states in Pakistan. The blasphemy law in Pakistan for example states ‘If you are in Pakistan, in an Islamic country, then any man may kill those who insult Prophet Mohammed. He will not be prosecuted’”. The Licensee therefore considered that the content did “not amount to any death threats or to be construed [as] inciting any racial tensions”. In addition, the Licensee denied that “the programme was offensive because it discusses laws in Pakistan and Islamic nations”.

With regard to Rule 3.1, and the likelihood of whether the programme would have encouraged or incited the commission of crime or disorder, the Licensee said that “the viewers were mainly Pakistani origin Muslims. It is most likely that they already knew what the blasphemy law states in Pakistan. It is disputed therefore that listening to...[this] programme would encourage or incite crime or disorder”. Further, DM Digital said that “[o]ne country’s laws may not [be] palatable to another country” and Ofcom “ought not to judge another country’s laws”. The Licensee also disputed “the fact that the host praised the blasphemy law in Pakistan” was a direct call to action.

With regard to Rule 4.1, DM Digital stated that the programme was: broadcast live; in a timeslot which regularly “includes contributions from moderate and liberal scholars”; that no “DM Digital presenter” was involved in the broadcast; and that “after the live programme was broadcast, text was put across the screen clarifying that DM Digital does not assist in providing or collecting support for this individual or his comments”. According to DM Digital “the speaker was not malicious” and his remarks resulted from a “lack of understanding of [the] Ofcom broadcasting code and practices” and what he said was “out of character”. DM Digital said that it was taking steps not to broadcast similar programmes unless “our own Presenter is present to moderate such content”. Further, an “internal compliance manager...[would] be present on all religious programme[s] broadcast” in future.

With regard to Rule 4.2, DM Digital said that members of the Ahmadi community regularly appear on DM Digital, including one individual who “regularly appears as a presenter on a number of religious programmes”. Further, the Licensee said that DM Digital had been given “community awards in recognition of its un-biased and neutral approach as [an] Islamic community channel” by the Ahmadi community.

The Licensee stated that: it was in the process of “taking the precautionary measure of reporting the incident to the police so they may take any appropriate action they deem necessary” against the Islamic scholar in question; this programme would not be repeated; and that, although the presenter had broadcast for “several years” on DM Digital and had “given no cause for concern as we regularly monitor him”, this scholar “has not and will not be asked to appear on the station again”.

DM Digital asked Ofcom to take account of the fact that it broadcasts outside the UK and “particularly to Arab and Islamic countries” and that if Ofcom recorded breaches in this case it would “amount to DM Digital committing blasphemy and the staff based in those countries will be under serious threat of their health and safety and it will be difficult for...senior management to travel to Pakistan and other Islamic countries”.

In conclusion, the Licensee stated that “if taken literally, the [Islamic scholar’s] comments could be offensive to some in the UK, however it should be made clear that he was referring to the laws, customs and practices in Pakistan” rather than in the UK. Further, DM Digital offered its apologies “to any groups which have found the content of the programme offensive or in breach of their religious values”.

Decision

Ofcom has a statutory duty under the Communications Act 2003 to require 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. As outlined above, Ofcom is required to set such standards for the content of programmes as appear to it best calculated to secure the standards objectives, including that: “material likely to encourage or incite the commission of crime or lead to disorder is not included in television or radio services”; and that

“broadcasters exercise the proper degree of responsibility with respect to the content of programmes which are religious programmes”. These duties are reflected in Section Three and Four of the Code.

In considering the issues relating to this decision Ofcom has taken careful account of the broadcaster’s and audience’s right to freedom of expression. This is set out in Article 10 of the European Convention on Human Rights (“ECHR”). Article 10 provides for the right of freedom of expression, and as the Legislative Background to the Code states “encompasses the audience’s right to receive creative material, information and ideas without interference” by public authority.

Ofcom has also had regard to Articles 9 and 14 of the ECHR. Article 9 states that everyone “has the right to freedom of thought, conscience and religion”. This Article goes on to make 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 interests of public safety, for the protection of ... health ... or for the protection of the rights and freedoms of others”. Article 14 concerns the right to enjoyment of human rights without discrimination on grounds such as religion.

We considered the material against Rules 3.1, 4.1 and 4.2; namely, whether the inclusion in the service of statements made by the Islamic scholar were likely to encourage or incite the commission of crime or to lead to disorder; whether the Licensee had exercised the proper degree of responsibility with respect to the content of this religious programme; and whether the religious views and beliefs of Ahmadi Muslims and the Ahmadiyya community were subject to abusive treatment.

Considering the comments made within their editorial context, we noted that the programme consisted of an Islamic Pir (a religious scholar) giving a lecture to a studio audience on issues relating to Salmaan Taseer’s assassination, Pakistan’s blasphemy law, and the theological debate surrounding these issues. We noted that this was a religious programme broadcast on a channel which is aimed at a Muslim audience and broadcasts both within the UK and to the Middle East and Asia.

Rule 3.1: Material likely to encourage or incite the commission of crime or to lead to disorder must not be included in television and radio services

Ofcom is mindful of the heated debate that has taken place in relation to Pakistan’s blasphemy law. In particular, we are aware of the controversy surrounding the case of Malik Mumtaz Qadri, who assassinated the Governor of Punjab, Salmaan Taseer, while acting as his bodyguard. It is reported that Malik Mumtaz Qadri killed Salmaan Taseer because the Governor had voiced support for Asia Bibi, a Pakistani Christian, who has been sentenced to death for breaching Pakistan’s blasphemy law.

In considering the material under Rule 3.1 we are required to assess the *likelihood* of it encouraging or inciting the commission of crime or of leading to some form of disorder.

Accordingly, we considered whether the inclusion in the broadcast of statements that it was acceptable to murder any person thought to have shown disrespect to the Prophet Mohammed was likely to encourage or incite criminal action against individuals who might be deemed to have criticised or insulted the Prophet Mohammed; or to lead to disorder – either inside or outside Pakistan. As part of this assessment, we considered whether the scholar’s statements in the programme included any direct or indirect calls to action.

In this broadcast the Islamic scholar made clear his belief that anybody who deviated in any way from the teachings of the Prophet Mohammed, or showed disrespect for him in any way, was “an apostate”. He went on to make a number of statements, such as:

“Under the guidance from Islamic texts it is evident that if a Muslim apostatises, then it is not right to wait for the authorised courts; anyone may kill him”.

*“An apostate deserves to be killed and any man may kill him”.*⁹

*“...if someone denies the existence of God, you may have a defensive war with them but if someone insults the Prophet, you should not be defensive but you should aggressively attack them. You should go to their homes and fight them there”*¹⁰.

*“...When Abu Ubaydah killed his father, Allah praised him because he had killed in the love of the Prophet Muhammed. Such an act does not fall into the category of terrorism”*¹¹.

“I hail those who made this law which states that one who insults the Prophet deserves to be killed – such a person should be eliminated”.

“This is not terrorism because [Malik Mumtaz Qadri] killed the one who had insulted the Prophet”.

“It is your duty, the duty of those who recite the holy verse to kill those who insult Prophet Mohammed. Court interference is not a prerequisite for this”.

“To say that this law [i.e. the Pakistan blasphemy law] is a cruel or black law is an act of non-belief. If someone will say this, he will be regarded as apostate and his murder will be obligatory upon Muslims”.

“However great a man, if he insults the Prophet, he deserves to be killed and all Muslims should know this...”

*“Any Muslim may kill such a man and there is guidance in Islamic texts that the killer should not be questioned or reprimanded”*¹².

We believed that on a reasonable interpretation of the scholar’s remarks, he was personally advocating that all Muslims had a duty to attack or kill apostates or those perceived to have insulted the Prophet. We considered that the broadcast of the various statements made by the Islamic scholar outlined above was likely to encourage or incite the commission of crime. Our reasons for this are set out in the following paragraphs.

⁹ See footnote 4.

¹⁰ See footnote 5.

¹¹ See footnote 7.

¹² See footnote 8.

A number of the remarks in Ofcom's opinion amounted to direct calls to action. In particular, we interpreted some of the Islamic scholar's comments to be a generic call to all Muslims (and not just members of the Muslim community within Pakistan) encouraging or inciting them to criminal action or disorder, by unambiguously stating that they had a duty to kill anyone who criticises or insults the Prophet Mohammed and apostates, and by praising Pakistan's blasphemy law and the killing of Salmaan Taseer by Malik Mumtaz Qadri. We also noted that such actions were couched as being justified, and even required as a duty on all Muslims, according to the tenets of Islamic law and theology. We refer in particular to the remarks quoted immediately above as examples of such statements.

In considering the likelihood of the inclusion of these statements in the service encouraging or inciting the commission of crime or leading to disorder, we also considered the context within which the Islamic scholar's lecture was broadcast. DM Digital is a service aimed at the Asian community both within the UK and in the Middle East and Asia and as noted already, the programme consisted of a live televised lecture being delivered to an Islamic audience without interruption or any challenge to his views. At no point in the programme, for example, was there any condemnation of any killing or violent action that had been or might in the future be committed by individuals in response to a perceived insult to, or perceived blasphemy against, the Prophet Mohammed. In Ofcom's view, the fact that these views were being expounded by an Islamic religious scholar, a person who holds a position of authority and respect within the Muslim community, would have given the comments extra weight. Indeed, the overall message of encouraging or inciting such acts would have been reinforced by the following statement by a presenter at the beginning of the programme:

"Terrorism is a different thing and passionate love for the Prophet is different. Terrorism is condemnable in every way whether done by individuals or states – it is a crime – but if someone takes a step in the love of the Prophet, then this is not terrorism".

We are conscious of various examples of violence against, and killings of, members of the Ahmadiyya community in Pakistan in recent years¹³. The following statement relating to members of the Ahmadiyya community therefore raised particular concerns in relation to Rule 3.1:

"The entire Muslim world has declared [Mirza Ghulam Ahmad Qadiyani] an apostate and one who deserves to be killed".

We are also aware of various and very serious threats and attacks made in Western countries in recent years against individuals or entities perceived as insulting or making pejorative remarks about the Prophet Mohammed¹⁴. The possibility of

¹³ See for example reports of various very serious incidents in April and May 2010:

- http://en.wikipedia.org/wiki/Persecution_of_Ahmadis#2011;
- <http://www.foreignpolicyjournal.com/2010/05/28/80-killed-in-pakistan-ahmadi-carnage/>;
- <http://ahmadiyyatimes.blogspot.com/2011/06/murders-in-pakistan-should-concern.html>.

¹⁴ See for example:

- the murder of the Dutch film director Theo Van Gogh in 2004 ([http://en.wikipedia.org/wiki/Theo_van_Gogh_\(film_director\)](http://en.wikipedia.org/wiki/Theo_van_Gogh_(film_director)));
- the case of cartoons published in Denmark in 2005 featuring the Prophet (http://en.wikipedia.org/wiki/Jyllands-Posten_Muhammad_cartoons_controversy); and

remarks like those of the Islamic scholar in this case encouraging crime or disorder is therefore in Ofcom's opinion likely.

As noted earlier, DM Digital argued that the Islamic scholar's lecture was taken out of context and that he was commenting on the blasphemy law, customs and practices in Pakistan rather than the UK and that he was not personally advocating any violence.

Having studied carefully the transcript of the whole programme we do not believe in reaching our decision that we have taken the remarks of the scholar quoted above out of context. In reaching our decision, we took into account all DM Digital's various representations in relation to this point and Rule 3.1.

The Licensee argued firstly that the Islamic scholar was not advocating that people ought to engage in crime or disorder, he was merely stating what the law states in Pakistan. The Licensee considered that the content did "not amount to any death threats or to be construed [as] inciting any racial tensions". DM Digital also disputed "the fact that the host praised the blasphemy law in Pakistan" as being a direct call to action. The fact that, according to DM Digital, the viewers to the programme were mainly of Pakistani Muslim origin meant that "[i]t is most likely that they already knew what the blasphemy law states in Pakistan" and therefore the Licensee "disputed therefore that listening to...[this] programme would encourage or incite crime or disorder".

For the reasons stated previously, Ofcom concluded that the statements quoted above when assessed in context did amount to direct calls to action and were likely to incite or encourage crime or to lead to disorder. It is clear from the statements above that the scholar went beyond merely stating what the blasphemy law of Pakistan was. He did not issue any direct death threats, but he commented on and praised the law in such a way that, in Ofcom's view, his comments were likely to encourage crime or disorder against those perceived to insult or make pejorative remarks about leading Islamic figures and the Prophet Mohammed in particular, and against apostates. In Ofcom's opinion this result was likely whether the remarks were seen by Muslim viewers of Pakistani origin who were already aware of Pakistan's blasphemy law or not.

Further, the Licensee said that "[o]ne countries laws may not [be] palatable to another country" and Ofcom "ought not to judge another countries laws". In fulfilling our duties and reaching a decision in this case, Ofcom makes no comment on, or assessment of, any law of Pakistan or any other jurisdiction. Our duty in this case is to ascertain whether the content as broadcast complied with the Code. While certain comments explicitly linked the action the speaker was advocating to Pakistan's blasphemy law (for example the statement: *"If you are in Pakistan, in an Islamic country, then any man may kill those who insult Prophet Mohammed. He will not be prosecuted"*) we noted that his remarks were not confined to the subject of Pakistan's blasphemy law, or applicable only to people living in Pakistan or to actions taken in that country.

We also noted DM Digital's request for us to take account of the fact that it broadcasts outside the UK and "particularly to Arab and Islamic countries" and that if Ofcom recorded breaches in this case they would "amount to DM Digital committing

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- the fire bomb attack on a magazine in Paris in November 2011 for publishing a satirical cartoon of the Prophet (<http://globetribune.info/2011/11/02/satirical-magazine-firebombed-in-paris-by-radical-muslims-video/>).

blasphemy and the staff based in those countries will be under serious threat of their health and safety and it will be difficult for...senior management to travel to Pakistan and other Islamic countries". In response, Ofcom underlines that in making this decision we make no comment on, or assessment of, any law of Pakistan or any other jurisdiction. We do not see how by recording a breach of Rule 3.1 in this case, it could be implied that DM Digital has breached any blasphemy law that might exist in other countries.

Ofcom noted DM Digital's apology, and the fact that the Licensee said it did not condone the comments made in the live broadcast and that no DM Digital presenter was involved in the broadcast. Ofcom also noted the Licensee's submission that the lecture was transmitted in a timeslot which regularly "includes contributions from moderate and liberal scholars" and that text was put across the screen after the programme clarifying that DM Digital does not assist in providing or collecting support for this individual or his comments. However, the Licensee had allowed the material to be broadcast uninterrupted and had provided no evidence to Ofcom to show that it had any proper procedures or systems in place for monitoring live content to ensure compliance with the Code or to take appropriate action when required.

In light of all of the above considerations, Ofcom reached the view that the DM Digital service had included material likely to encourage or to incite the commission of crime or to lead to disorder. Accordingly, Ofcom has found the Licensee in breach of Rule 3.1 of the Code.

Rule 4.1: Broadcasters must exercise the proper degree of responsibility with respect to the content of programmes which are religious programmes

Section Four of the Code sets out that a "religious programme" is one "which deals with matters of religion as the central subject, or as a significant part, of the programme". In Ofcom's opinion this programme was clearly a religious programme because it consisted of a televised lecture which to a great extent focussed on Islamic theology.

Broadcasters can transmit programmes taking a critical view of a particular religion, provided they do so with a proper degree of responsibility. The comments made in this programme and described above were made in the context of a religious programme made for a predominantly Muslim audience. The Code does not seek to prevent followers of one religion from being able to express views rejecting or criticising other religions or denominations. However, Rule 4.1 does require licensees to exercise the proper degree of responsibility when, for example, hyperbole or more extreme views are broadcast which could be deemed offensive to people in the audience who hold different views and beliefs.

As above, we noted DM Digital's submissions that the programme was: broadcast live; in a timeslot which regularly "includes contributions from moderate and liberal scholars"; "no DM Digital presenter" was involved in the broadcast; and "after the live programme was broadcast, text was put across the screen clarifying that DM Digital does not assist in providing or collecting support for this individual or his comments". However, merely because, for example, a programme is broadcast live, this does not remove the obligation on a broadcaster to ensure a particular programme complies with the Code.

As stated in relation to our consideration of the programme under Rule 3.1, the Licensee did not provide any evidence of relevant steps to ensure compliance with the Code. More specifically in relation to Rule 4.1, there was no evidence that it had

exercised the proper degree of responsibility with respect to the content of this programme as a religious programme. For example, we noted that the Licensee's representation that seemed to indicate that it based its compliance in relation to the appearance of the Islamic scholar in this programme on the fact that the scholar had broadcast for "several years" on DM Digital and had previously "given no cause for concern as we regularly monitor him". Therefore, the Licensee did not appear to have any systems in place to ensure the live output was being monitored or to take swift action if - as here - material was broadcast that was likely to have encouraged or incited serious crime or led to disorder. Ofcom expects all broadcasters to monitor, as appropriate, all output as broadcast. This did not appear to have happened in this case.

As further evidence of its lack of adequate compliance procedures, we noted DM Digital's representation that the Islamic scholar in this case was not being "malicious", but his comments were "out of character" due to "the lack of understanding of the [Code]". In our view, this demonstrated that the scholar had not been adequately briefed about the provisions of the Code, which was a particular cause for concern given the admission by the Licensee that he had appeared on DM Digital for "several years".

In reaching our decision regarding Rule 4.1, we took into account: the Licensee's apology; the fact that it would not repeat this programme; and, the steps that DM Digital said it had taken to improve compliance in this area, such as ensuring a DM Digital presenter as well as an internal compliance manager are present in future, when all similar religious programmes are broadcast. However, given the above, we considered that the broadcaster did not exercise the proper degree of responsibility with respect to the content of this religious programme. The programme was in breach, therefore, of Rule 4.1 of the Code.

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

As stated above, the Code does not seek to prevent followers of one religion from being able to express views rejecting or criticising other religions but broadcasters must ensure religious programme comply with the specific requirements for religious programmes set out in Section Four. The Code has been drafted in the light of the Human Rights Act 1998 and the European Convention on Human Rights. In particular, the right to freedom of expression encompasses the audience's right to receive material, information and ideas without interference as well as the right to freedom of thought, conscience and religion and the right to enjoyment of human rights without discrimination on grounds such as religion. The Ahmadiyya movement and Ahmadi Muslims were clearly a legitimate topic for theological discussion in a religious programme aimed at members of the Muslim community. However, Rule 4.2 is clear that the religious views and beliefs of those belonging to a particular religion or religious denomination, such as this, must not be subject to abusive treatment.

Ofcom considers "abusive treatment" in religious programmes under Rule 4.2 to include statements which revile, attack or vehemently express condemnation towards another religion without sufficient justification by the context. The Code does not prohibit criticism of religious views and beliefs provided such criticism is not abusive. We considered that during the programme, there were statements made by the Islamic scholar that were abusive of the religious view and beliefs of Ahmadi Muslims and members of the Ahmadiyya community. For example:

“The entire Muslim world has declared [Mirza Ghulam Ahmad Qadiyani] an apostate and one who deserves to be killed”.

Presenter: *“You once issued a fatwa that we do not regard any of these as non-believers except the Mirzais [Ahmadis]”.*

Pir: *“Because the 72 sects recite the holy verse, they are all Muslims but not the Ahmadis because these deny one of the fundamentals of Islam. They are non-believers because of this. Anyone who denies one of the fundamentals of Islam is a non-believer”.*

We noted that the Islamic scholar labelled Ahmadi Muslims as “non-believers” and Mirza Qadiyani “an apostate and one who deserved to be killed”. These statements were vehement and unqualified and it was Ofcom’s view that when taken together they amounted to “abusive treatment” of the religious views and beliefs of Ahmadi Muslims and of members of the Ahmadiyya community.

In reaching our decision, we took into account: the Licensee’s apology; and its representations that members of the Ahmadi community regularly appear on DM Digital, and that DM Digital claims that it had been given “community awards in recognition of its un-biased and neutral approach as [an] Islamic community channel” by the Ahmadi community. However, just because DM Digital might have had such links with the Ahmadi community did not, in our view, materially lessen the abusiveness of the comments made by the presenter in this case about the Ahmadi community.

Given the above, we considered that the broadcast was therefore in breach of Rule 4.2 of the Code.

The breach of Rule 3.1 in this case is regarded by Ofcom as a serious breach of the Code. This is because Ofcom views any incident where a licensee has allowed content to be broadcast that is likely to encourage or incite the commission of crime or to lead to disorder as a significant contravention of the Code. In this Broadcast Bulletin, Ofcom has also recorded serious breaches of the Code against DM Digital, which Ofcom is also considering for the imposition of a statutory sanction¹⁵. In view of the seriousness of the breach of Rule 3.1 in the present case, **DM Digital is put on notice that the contravention of Rule 3.1 of the Code is being considered by Ofcom for the imposition of a statutory sanction.**

Breaches of Rules 3.1, 4.1 and 4.2

¹⁵ See pages 16 to 25.

In Breach

POAF Conference

DM Digital, 25 November 2011, 19:00 and 4 December 2011, 21:00

Introduction

DM Digital is a television channel primarily aimed at an Asian audience in the UK, which features broadcasts in a number of languages including English, Punjabi, Urdu, Sindhi, Kashmiri and Hindi. The service is also received in the Middle East and parts of Asia. The licence for this channel is held by DM Digital Television Limited ("DM Digital" or the "Licensee").

The two programmes above included coverage of a conference, held in the UK, of the Pakistan Overseas Alliance Forum ("POAF")¹, with speakers talking in Urdu. Both programmes lasted approximately three hours. The first 45 minutes approximately of each programme featured attendees arriving at the conference and being interviewed, as they entered the conference room, about the forthcoming proceedings at the conference. The subsequent two and a quarter hours in each programme showed the conference proceedings, featured contributions from various panel members and members of the audience. There were various statements within both programmes which made clear that the POAF conference had been organised by DM Digital.

The conference proceedings featured in the programme broadcast on 25 November 2011 focussed on an appearance by the Pakistani politician Dr. Zulfiqar Mirza², from the Pakistan People's Party ("the PPP"). Other speakers, however, were also featured, including Dr. Liaqat Malik, who is Chief Executive and Chairman of DM Digital.

The conference proceedings featured in the programme broadcast on 4 December 2011 focussed in particular on the reported killings as a result of NATO airstrikes on 26 November 2011 of up to 24 Pakistani soldiers serving on the Pakistani border with Afghanistan. Various speakers were featured, including Dr. Liaqat Malik.

Three viewers alerted Ofcom to the programmes, stating that they were unbalanced and were not duly impartial. Two viewers considered that the programme broadcast on 25 November 2011 did not reflect the viewpoint of the Muttahida Qaumi Movement ("MQM"), currently the governing party in the Pakistani province of Sindh³. One viewer considered that the programme broadcast on 4 December 2011 was "anti-American and anti-European".

¹ POAF describes itself as a "non political and non religious welfare organisation for overseas Pakistanis and dedicated to welfare of all overseas Pakistanis". See <http://poafglobaltrust.com/>. The POAF website contains various references to and appears to have close links to DM Digital and its Chairman, Dr. Liaqat Malik: see e.g. <http://www.poafglobaltrust.com/DrLiaqatMalikChairmanProfile.htm>; and <http://www.poafglobaltrust.com/DMDigitalNetworkProfile.htm>.

² Dr. Zulfiqar Mirza was the Home Minister of the Sindh province of Pakistan for a period until June 2011.

³ The PPP is the majority party in Pakistan's coalition government at national level, and the MQM is a junior partner in that government.

Ofcom commissioned transcripts of the relevant parts of the programmes, translated from the original Urdu into English by an independent translator. Having carefully reviewed the transcripts, we noted the following with regard to each programme:

25 November 2011 programme

The programme included a range of statements from various speakers at the conference which were highly critical of the MQM. By way of background it should be noted that on August 28 2011 Dr. Mirza of the PPP (see footnotes 2 and 3 above) had accused the MQM of causing mass violence and killings in Karachi, the capital of Sindh province, during 2011.

For example:

“Those who commit acts of terrorism⁴ must be punished. If Dr. Mirza is presenting evidence to get them arrested and punished then it is a very good thing”.

“They [the ministers of the Pakistani government] say that Dr. Mirza has no evidence. If that was true they wouldn’t be putting pressure on Lord Nazir⁵ and wasting so much time and resources on trying to stop him. We are talking about the killers of Karachi – the MQM. We say, all Urdu-speaking people are our brothers. Our parents taught us to respect our teachers, elders, and humanity in general. The Qur’an states, ‘do not kill unjustly’. But for the last 30 years, murders have happened in Karachi... You [the MQM] killed the Urdu speaking people. Between 15 to 16 thousand people...have been murdered. You killed Pukhtoons, Baluchis, Sindhis, Punjabis. If you did not do it, then was it angels from the heavens? ...Tell them [the MQM] that you will challenge them in the streets of London. We have Lord Nazir and Liaqat Malik with us”.

Dr. Zulfiqar Mirza: *“I thank DM Digital from the deepest core of my heart for giving this opportunity to a weak Pakistani to spread his voice, on behalf of weak Pakistanis, to all over the world – I thank them for helping us in spreading the voice of truth... Those who sacrificed for Pakistan and migrated from India, their own Urdu-speaking brothers, if they dare to disagree with them they [the MQM] kill them. Then after killing them, the relatives of the victim are not allowed to bury him in accordance with their own will. The funerals are snatched and the corpse is buried after wrapping it in MQM flag so that they could show to the world, to attract human rights activists, and to make records contrary to their own atrocities”.*

4 December 2011 programme

We considered that this programme included various viewpoints from members of the conference panel and the audience that were highly critical of the policies of NATO and the US Government relating to Pakistan. For example:

⁴ Ofcom interprets this as a reference to the allegations against the MQM made by Dr. Zulfiqar Mirza that the MQM party had caused violence in Karachi during 2011.

⁵ Nazir Ahmed, Baron Ahmed, was made the United Kingdom's first Muslim life peer in 1998. Many of his political activities relate to the Islamic community both in the UK and abroad and he is a member of the Labour Party.

"We strongly condemn [NATO's] aggression and injustice. Along with Muslims, our armed forces are also being targeted".

"We condemn the aggressive, brutal and unprovoked attack by NATO and we protest so that in future no such attack happens that would lead to loss of innocent lives".

"Those whom we consider our friends, want to take our lives...we intend to file a petition in the Parliament here to take steps to compensate for the cruelty inflicted on our Pakistani soldiers".

"I thank Lord Nazir and Liaqat Malik for gathering us here. There have been atrocities committed against us. Our mosques and madrassas have been bombed and now our army has been targeted. We strongly condemn it. All overseas Pakistanis and Muslims should unite on this issue".

"We condemn NATO's cowardly attack and murder of our innocent soldiers".

"If we unite, then no western power can hurt us".

"The recent American-NATO attack on Pakistan army which led to the deaths of 24 brave Pakistani soldiers, we are deeply grieved about it... we pray Allah to keep America from its filthy intentions and we congratulate DM [Digital] TV for arranging this meeting. We need to put pressure on NATO not to conduct such raids in future".

"The Americans give us \$10 million in aid every year but they have destroyed many of our cities; many civilians have died. Pakistan has sacrificed a lot for America. Our nation must decide that we do not need US aid".

"We should stop supporting the US and then we will not be hurt. We have been damaged because of our support for the US. There is no point going to the UN because the UN and US are the same".

"'Condemn' is a soft word. I shall use the word 'curse'. I curse those [NATO] people who crossed our borders and committed aggression against our soldiers".

"We speak about NATO but we should single out America. If America had not wanted it, NATO would not have done such a thing. It is actually American action because NATO includes Turkey, Saudi Arabia and UAE as well. We should single out America rather than speak about NATO. It is an American action. I strongly condemn and just curses will not do. We need to show some resistance; such as getting the Shamsi Airbase and boycotting the Bonn Conference along with stopping NATO supplies. But this is not enough and unless we do more, it won't help".

"We need to know how decisions are made in the Pentagon, the State Department, and CIA HQ. The first thing they take account of is to destroy practising Muslims and second, those countries which are following the Qur'an and the examples of Prophet Muhammad, notably Iran and Pakistan, to damage these countries economically, strategically, and from a defence point of view".

“Do we need NATO when there is no Warsaw Pact alliance? It is time to start working in media, political forums etc to demand that USA be tried for war crimes”.

“America and NATO, you must learn some morality from Prophet Muhammad. You are absolutely morally bankrupt. You have no respect for mankind. You have nothing”.

“Since Pakistan was formed, NATO has been interfering with the country... We are not afraid of America because we have faith in God. Death to America. They are not just responsible for martyring our 24 soldiers, they have been conducting terrorism all over the world for a long time. Their mission is to kill Muslims”.

“When the US was losing war in Vietnam, they blamed Cambodia and bombed it. When they were losing war in Iraq, they blamed and bombed Syria. Now that they are losing in Afghanistan, they want to blame and bomb Pakistan”.

Ofcom considered that the programmes raised issues warranting investigation under Rule 5.5 of the Code, which states that:

“Due impartiality on matters of political or industrial controversy and matters relating to current public policy must be preserved on the part of any person providing a service.... This may be achieved within a programme or over a series of programmes taken as a whole.”

This is because both programmes in Ofcom’s view dealt with matters of political controversy and matters relating to current public policy: with regard to the 25 November programme, these matters were specific actions and policies of the MQM, the governing party of the Sindh province, in 2011; and concerning the 4 December programme, these matters were the foreign and military policies and actions of NATO and the USA), especially as regards Afghanistan and Pakistan.

We therefore sought DM Digital’s comments on how this material complied with this rule.

We also noted that in each of the two programmes, there were statements by Dr. Liaqat Malik, Chief Executive and Chairman of DM Digital. Some of these statements could be interpreted as critical in particular of the PPP⁶, and also the MQM, and these parties’ policies and actions. For example, in the programme broadcast on 25 November 2011, we noted the following statements by Dr. Malik:

“I have been receiving calls – pressurizing me not to show Dr. Mirza on our TV but I said this is a battle for truth and I am happy to take the risk in order to participate in this battle because we want to rid Pakistan of the wolves...They are liars and we want to rid Pakistan of their rule. I joined Imran Khan in his public addresses because I like people who stand for justice. We [British Pakistanis] invest billions of pounds in Pakistan but we have no voting rights there. We cannot stand for elections there. My property in Pakistan has been confiscated. Shame! They are sitting in public offices and that is how they behave”.

⁶ The PPP is the majority party in Pakistan’s coalition government at national level, and the MQM is a junior partner in that government.

In the programme broadcast on 4 December 2011, Dr. Malik said:

“If you have honour, break the coalition government and kick Zardari⁷ out of his office. His advisor is a man who is a foreigner, has no interest in Pakistan ... we need to get rid of this government. We were against General Mushsharaf and from now on, our battle is with this government...Go Zardari go...For the sake of dollars, they are killing their own people – allowing drone attacks”.

We considered that these statements raised issues warranting investigation under Rule 5.4 of the Code, which states that:

“Programmes...must exclude all expressions of the views and opinions of the person providing the service on matters of political and industrial controversy and matters relating to current public policy (unless that person is speaking in a legislative forum or in a court of law). Views and opinions relating to the provision of programme services are also excluded from this requirement.”

This is because in Ofcom’s opinion these statements made by Dr. Liaqat Malik clearly expressed his personal views on a matter of political controversy and matter relating to current public policy i.e. the policies and actions of the current coalition government of Pakistan led by the PPP. We therefore also sought DM Digital’s comments on how this material complied with this rule.

Response

DM Digital’s response was provided by its Chairman, Dr Liaqat Malik.

The Licensee disputed the accuracy of the translations of the content that Ofcom had obtained. It said that we had taken statements out of context, and stated its belief that “this complaint should be dismissed because it is without merit”. The Licensee said that the POAF conference was organised by Dr. Zulfiqar Mirza and Lord Nazir Ahmed and was “a meeting of members of the community to discuss issues in the community” and that “DM Digital was televising the event as it does a lot of other community events”.

DM Digital also asked Ofcom to provide it with the identity of the complainants in this case because “there were several troublemakers in attendance at the conference who rather than wanting to engage in a friendly open debate, instead became violent”. According to the Licensee “Dr. Mirza, Lord Nazir, Dr. Malik and a member of staff from DM Digital were all assaulted by men with affiliations to the MQM. These men after a police investigation were charged by the police and were found guilty and sentenced in March 2012”. DM Digital added that as “police were investigating we were in the opinion that this matter should not be taken up by...Ofcom until the complainant (troublemakers) were convicted by [a] court of law”.

Concerning compliance with Rule 5.5 and the programme broadcast on 25 November 2012, and whether this programme sufficiently reflected the viewpoint of the MQM, DM Digital indicated that “Dr. Mirza, one of the organisers of the event, is a PPP minister...[and] that in Pakistan, the PPP is in coalition government with the MQM”. The Licensee added that “MQM members were invited to attend the conference. They were in the audience. Audience members were encouraged to speak to the conference and engage in a free and open debate and so many people

⁷ Ofcom interprets this to be a reference to Asif Ali Zardari, a member of the PPP, and the current President of Pakistan.

took part”. Therefore, according to DM Digital the programme was “not biased in any way. It was [an] open public debate held for the benefit for the community”.

With regard to compliance with Rule 5.4 in both programmes, DM Digital said that its Chairman, Dr. Liaqat Malik “was in attendance in his personal capacity and any views he expressed (in accordance with his rights afforded under article 10 ECHR⁸) were his own and not those of DM Digital Television”. The Licensee stated its belief that Dr. Liaqat Malik’s comments had been taken out of context.

Decision

Under the Communications Act 2003 (“the Act”) Ofcom has a statutory duty to set standards for the content of programmes as appear to it best calculated to secure the standards objectives, including that the special impartiality requirements set out in section 320 of the Act must be complied with.

This standard is contained in Section Five of the Code. Broadcasters are required to comply with the rules in Section Five to ensure that due impartiality is preserved on matters of political or industrial controversy and matters relating to current public policy.

When applying the requirement to preserve due impartiality, Ofcom must take into account the broadcaster’s and audience’s right to freedom of expression. This is set out in Article 10 of the ECHR. Article 10 provides for the right of freedom of expression, which encompasses the right to hold opinions and to receive and impart information and ideas without interference by public authority. The broadcaster’s right to freedom of expression is not absolute. In carrying out its duties, Ofcom must balance the right to freedom of expression on one hand, with the requirement in the Code to preserve “due impartiality” on matters relating to political or industrial controversy or matters relating to current public policy.

Ofcom recognises that Section Five of the Code, which sets out how due impartiality must be preserved, acts to limit, to some extent, freedom of expression. This is because its application necessarily requires broadcasters to ensure that neither side of a debate relating to matters of political or industrial controversy and matters relating to current public policy is unduly favoured. Therefore, while any Ofcom licensee should have the freedom to discuss any controversial subject or include particular points of view in its programming, in doing so broadcasters must always comply with the Code. Further, in reaching decisions concerning due impartiality, Ofcom underlines that the broadcasting of highly critical comments concerning the policies and actions of any political party, government or state is not, in itself, a breach of due impartiality. Any broadcaster may do this provided it complies with the Code.

However, depending on the specific circumstances of any particular case, it may be necessary to reflect alternative viewpoints in an appropriate way in order to ensure that Section Five is complied with.

As a preliminary point, we took account of DM Digital’s representations querying the accuracy of Ofcom’s translation of the programmes and stating that Ofcom had taken statements out of context. Ofcom has no reason to query the accuracy of the translation which we commissioned. The translator is a native speaker of Urdu, is employed by an independent and reputable translation company.

⁸ The European Convention on Human Rights.

Rule 5.5

We considered each of the programmes in turn under Rule 5.5 of the Code, which states that:

“Due impartiality on matters of political or industrial controversy and matters relating to current public policy must be preserved on the part of any person providing a service.... This may be achieved within a programme or over a series of programmes taken as a whole.”

For each programme, we considered first whether the requirements of Section Five of the Code should be applied: that is, whether the programme concerned matters of political or industrial controversy or a matter relating to current public policy. We then went on to assess whether each programme preserved due impartiality, by for example containing sufficient alternative viewpoints.

25 November 2011 programme

In this case, we considered that this programme included various statements relating to the MQM. For example, the MQM was alleged to have: committed “*acts of terrorism*”; “*killed the Urdu speaking people*”; and “*killed 15 to 16 thousand people*”. Furthermore, the MQM was described as “*the killers of Karachi*”. In summary, the programme included a number of statements that Ofcom considered to be highly critical of some of the policies and actions of the MQM, including allegations of violence and killings sanctioned by the MQM, that had taken place in Karachi during 2011. Ofcom therefore considered that the broadcast dealt with a matter of political controversy and matter relating to relating to current public policy. Rule 5.5 was therefore applicable.

In assessing whether due impartiality has been applied in this case, the term “due” is important. Under the Code, it means adequate or appropriate to the subject and nature of the programme. “Due impartiality” does not mean an equal division of time has to be given to every view, or that every argument and every facet of every argument has to be represented. Due impartiality may be preserved in a number of ways and it is an editorial decision for the broadcaster as to how it ensures due impartiality is maintained.

In our view, taken overall this programme contained a range of statements that were highly critical of the MQM, but did not include any views that could reasonably be said to reflect the viewpoint of the MQM as regards its policies and actions as the governing political party in Sindh province, especially in relation to the allegations that it had sanctioned violence and killings in Karachi.

The programme when considered alone gave a one-sided view on this matter of political controversy. Further, given the lack of any comments from the Licensee, Ofcom is not aware of any evidence of the views of the MQM on this issue being included in a series of programmes taken as a whole (i.e. more than one programme in the same service, editorially linked, dealing with the same or related issues within an appropriate period and aimed at a like audience).

In reaching our decision, we took account of DM Digital’s representations regarding this programme under Rule 5.5. Firstly, we noted the Licensee’s representation that Dr. Zulfiqar Mirza “is a PPP minister...[and] that in Pakistan, the PPP is in coalition government with the MQM”. However, just because Dr. Zulfiqar Mirza is a member of a coalition that contains the MQM, did not, in our view, mean that his appearance

in the programme ensured that the viewpoint of the MQM was reflected in the programme (as regards its policies and actions as the governing political party in Sindh province, especially in relation to the allegations that it had sanctioned violence and killings in Karachi). That this was so was underlined by the fact that Dr. Zulfiqar Mirza strongly criticised the MQM during the programme.

Second, we noted DM Digital's representation that "MQM members were invited to attend the conference. They were in the audience. Audience members were encouraged to speak to the conference and engage in a free and open debate and so many people took part". The fact however that members of the MQM were invited to take part in the conference, and were in the audience, and audience members were "encouraged" to express their views did not ensure that due impartiality was preserved under Rule 5.5 in this case. As mentioned above, we considered that the programme did not include any views that could reasonably be said to reflect the viewpoint of the MQM as regards its policies and actions as the governing political party in Sindh province, especially in relation to the allegations that it had sanctioned violence and killings in Karachi.

The Code does not prohibit broadcasters from discussing any controversial subject nor including a particular point of view within a programme. However, where a programme such as this one handles controversial policy matters and where alternative views are not readily available, broadcasters might consider employing editorial techniques such as: a presenter summarising alternative views within the programme; or expressing alternative views in editorially linked programmes; or, if alternative viewpoints cannot be obtained directly from particular institutions, political parties or individuals, broadcasters can refer to public statements by such institutions, political parties or individuals.

Given the above, Ofcom therefore considered the programme to be in breach of Rule 5.5 of the Code.

4 December 2011 programme

In this programme, we considered this programme included a large number of statements relating to the policies and actions of NATO and the US Government relating to Afghanistan and Pakistan. For example, there were various references to NATO's "*aggression*", "*unprovoked attack*"; "*cowardly attack and murder of our innocent soldiers*"; and "*atrocities*". Furthermore, the US Government was variously described as: having "*filthy intentions*"; committing "*war crimes*"; being "*morally bankrupt*"; and "*conducting terrorism all over the world for a long time*".

In summary, the programme included a number of statements that Ofcom considered to be highly critical of NATO and the US Government and their policies towards Afghanistan and Pakistan. We therefore considered it dealt with a matter of political controversy and matter relating to relating to current public policy, and Rule 5.5 was applicable. However, taken overall this programme did not include any views that could reasonably be said to reflect the viewpoint of NATO or the US Government, with regard to their policies and actions relating to Pakistan.

As with the programme broadcast on 25 November 2011, this programme when considered alone gave a one-sided view on this matter of political controversy. Further, given the lack of any comments from the Licensee, Ofcom is not aware of any evidence of the views of NATO and the US Government on this issue being included in a series of programmes taken as a whole. Ofcom therefore considered the programme to be in breach of Rule 5.5 of the Code.

As referred to above, the broadcasting of highly critical comments concerning the policies and actions of any political party, government, multinational institution or nation-state is not, in itself, a breach of due impartiality. It is essential that current affairs programmes are able to explore and examine controversial issues and contributors are able to take a robust and highly critical position. However, depending on the specific circumstances of any particular case, it may be necessary to reflect alternative viewpoints in an appropriate way in order to ensure due impartiality is preserved.

Rule 5.4

Rule 5.4 of the Code states:

“Programmes [...] must exclude all expressions of the views and opinions of the person providing the service on matters of political and industrial controversy and matters relating to current public policy...”.

Ofcom’s published Guidance⁹ to Rule 5.4 states: “‘The person providing the service’ is a concept used in connection with the legal requirements for the licensing and compliance of broadcasting services. In this rule, it refers to the licensee, the company officers and those persons with an editorial responsibility for the service or part of the service rather than, for example, the programme presenter”. Ofcom noted that Dr. Liaqat Malik is the Chief Executive and Chairman of DM Digital and indeed provided Ofcom with the Licensee’s formal comments on how DM Digital complied with the Code in this case. He is therefore a “company officer” and a person that holds “editorial responsibility for the service”, and so was the “person providing the service”.

We noted that during both the programmes in this case, Dr. Liaqat Malik expressed his views on a number of topics. These included in particular his opinions on, dissatisfaction with, and opposition to, the current ruling government and political parties in Pakistan. For example, his remarks included comments such as: “*we want to rid Pakistan of the wolves... They are liars and we want to rid Pakistan of their rule*”; “*break the coalition government and kick Zardari¹⁰ out*”; and “*Go Zardari go...For the sake of dollars, they are killing their own people – allowing drone attacks*”.

As is clear from the examples quoted immediately above, Dr. Liaqat Malik’s comments included his opinions on the policies and actions of the current coalition government of Pakistan led by the PPP. This in Ofcom’s view was a matter of political and industrial controversy and matter relating to current public policy. Rule 5.4 requires that programmes must exclude all expressions of the views and opinions of the person providing the service on a matter of political and industrial controversy or a matter relating to current public policy. Therefore, we considered by making a highly prominent and critical statements about Pakistan’s governing political parties (including the MQM) and present coalition government, Dr. Liaqat Malik was clearly expressing his views on a matter of political and industrial controversy and a matter relating to current public policy in contravention of Rule 5.4 of the Code.

⁹ Ofcom Guidance on Section Five of the Broadcasting Code:
<http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section5.pdf>.

¹⁰ See footnote 5.

In reaching our decision on Rule 5.4, we took into account DM Digital's submission that Dr. Liaqat Malik "was in attendance in his personal capacity and any views he expressed (in accordance with his rights afforded under article 10 ECHR) were his own and not those of DM Digital Television". In response, Ofcom points out that Rule 5.4 reflects an explicit statutory requirement in the Act (section 320(1)(a)). This prohibits broadcasters from including all expression of the views of the person providing the service on matters of political controversy. The clear purpose of this provision is to ensure that the holders of a television licence do not compromise the editorial independence of their channel by being allowed to express their views on the service about controversial political and current public policy issues. If a programme contributor (including in this case someone who spoke as part of a televised conference), whom Ofcom deems to be a "provider of the service", expresses a view on a matter of political controversy in a programme on that service, there will therefore be a breach of Rule 5.4. This will be the case whether or not the programme contributor characterises their views on that matter as being a personal opinion, and as not being expressed on behalf of the licensed service.

In relation to the point made by the Licensee that Dr. Liaqat Malik was expressing his views in accordance to the right of freedom of expression in Article 10 of the ECHR, it should be noted that Rule 5.4 did not prohibit Dr. Liaqat Malik's opinions being included on DM Digital on all matters. Rather it precluded him only from expressing his opinions on matters of political controversy and matters relating to current public policy. As pointed out above, Rule 5.4 is derived directly from statute and has a clear purpose in the public interest. The restriction on the Licensee's right to freedom of expression represented by Ofcom's decision to record a breach of Rule 5.4 is, in our view, therefore justified and proportionate.

The right to broadcast comes with responsibilities. It is important that broadcasters maintain due impartiality on matters of major political controversy and major matters relating to current public policy. It is also crucial that people providing a licensed service, and so who have editorial responsibility for that service, do not use it as a platform to criticise the policies and actions of political parties and governments. Ofcom therefore views the breaches of Rules 5.4 and 5.5 in this case as particularly serious. In this Broadcast Bulletin, Ofcom has also recorded serious breaches of the Code against DM Digital, which Ofcom is also considering for the imposition of a statutory sanction¹¹. In view of the seriousness of the breaches in the present case, **DM Digital is put on notice that the contraventions of Rules 5.4 and 5.5 of the Code are being considered by Ofcom for the imposition of a statutory sanction.**

Breaches of Rules 5.4 and 5.5

¹¹ See pages 4 to 15.

In Breach

Nitro Circus

Extreme Sports Channel, 8 February 2012, 15:30

Introduction

Nitro Circus is an American fly-on-the-wall documentary series featuring groups of people performing original and dangerous stunts. The licence for Extreme Sports Channel is held by Zonemedia Broadcasting Limited ("the Licensee").

A complainant alerted Ofcom to the broadcast of offensive language in this programme. During this episode, a man was heard to say "*that was fucking awesome*" after taking part in a waterskiing stunt.

Ofcom considered the material raised issues warranting investigation under Rule 1.14 of the Code, which states:

"The most offensive language must not be broadcast before the watershed..."

We therefore sought comments from the Licensee as to how the material complied with this Code rule.

Response

The Licensee acknowledged that the material raised issues under Rule 1.14 of the Code. It said that during the compliance process, the phrase in question was missed by the compliance viewer, the editor, and the Content Management Assistant (who was responsible for double checking the programme prior to it being released for transmission). It added that this employee had since left the company.

Following the incident, the Licensee re-complied the programme and delivered an "Editorial Standards Training Day" to all staff and freelancers involved in compliance viewing of the Licensee's content.

Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, one of which is that "persons under the age of eighteen are protected". This objective is reflected in Section One of the Code.

Rule 1.14 of the Code states unequivocally that "the most offensive language must not be broadcast before the watershed...". Ofcom research on offensive language¹ notes that the word "fuck" and similar words are considered by audiences to be amongst the most offensive language. The use of the word "fucking" in this programme broadcast before the watershed was therefore a clear breach of Rule 1.14.

¹ Audience attitudes towards offensive language on television and radio, August 2010 (<http://stakeholders.ofcom.org.uk/binaries/research/tv-research/offensive-lang.pdf>)

This case follows a previous similar failure by the Licensee involving the broadcast of the most offensive language before the watershed². In that case, we welcomed the measures taken by the Licensee and considered the case to be resolved. We are concerned that a further similar failure has occurred and are therefore recording a breach in this case.

Breach of Rule 1.14

² As published in Broadcast Bulletin 183, which is available at:
<http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb183/obb183.pdf>

In Breach

The Commissioner

Movies4Men, 16 February 2012, 14:30

Introduction

The channel Movies4Men is owned and operated by Dolphin Broadcasting Limited ("the Licensee").

The Commissioner is a political thriller. The British Board of Film Classification ("BBFC") gave the film a '15' certificate rating for its cinema release in 2003.

A complainant alerted Ofcom to the use of the word "fucked" in this broadcast of the film, and believed this was particularly inappropriate as before the film Movies4Men had stated on air that the film had a 'PG' rating.

Ofcom viewed a recording and noted information shown by Movies4Men before the film. The following announcement was given in audio, "*This film is rated 'PG' and is suitable for viewers of all ages. However, some scenes may be unsuitable for younger children*". As this was read out, a 'PG' symbol in the style of the official PG certification mark of the BBFC was shown on screen.

At around 80 minutes into the film a character says, "*You fucked up your marriage. . . and you fucked up with Koenig.*"

Ofcom considered the material raised issues warranting investigation under Rule 1.14 of the Code, which states:

"The most offensive language must not be broadcast before the watershed..."

Ofcom therefore requested comments from the Licensee about how the broadcast of this film complied with this Code rule.

Response

The Licensee said that a number of films acquired by Movies4Men contain language suitable for post-watershed transmission only, and robust compliance procedures are in place to ensure pre-watershed versions of films are produced as required. It explained that under these procedures material is viewed in its original form, edits for a pre-watershed version are identified, the film is re-edited, and that version is checked again to ensure material is suitable for broadcast for the planned time slot.

The Licensee felt the genre and storyline of *The Commissioner* was a strong fit for the daytime audience profile of Movies4Men. It said that, "through the removal of strong language [it] made a version suitable for a PG audience". It went on to explain that, unfortunately, while around eight and a half minutes of material were removed, the offending sentence was missed due to human error.

The Licensee confirmed it had deleted the incorrect version to ensure this is not transmitted in a pre-watershed slot in the future, and was reviewing its compliance procedures to provide more accuracy and an extra level of checking at all stages of the process.

Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, one of which is that “persons under the age of eighteen are protected”. This objective is reflected in Section One of the Code.

Rule 1.14 states that the most offensive language must not be broadcast before the watershed. Ofcom research on offensive language¹ clearly notes that the word “fuck” and other variations of this word are considered by audiences to be among the most offensive language. Such language is unacceptable before the watershed, whatever the audience profile of the channel.

Ofcom welcomes the action taken by the Licensee since it became aware of the transmission of the most offensive language in this case. However, Rule 1.14 of the Code states unequivocally that “the most offensive language must not be broadcast before the watershed...”. The broadcast of the word “fucked” twice in this programme was therefore a clear breach of Rule 1.14.

The BBFC confirmed to Ofcom that it had rated the original cinema release of this film at ‘15’, and had not rated any edited versions of the film at ‘PG’. Ofcom was therefore concerned that the Licensee had used a BBFC-style PG certification symbol on an edited version of the film that had not received official PG certification by the BBFC. While the Licensee may have considered it was suitable to apply a reduced rating to the version it had edited for pre-watershed transmission, Ofcom does not consider that it was appropriate to do so in a way which was likely to have led viewers to believe this version had been officially certified as such by the BBFC, when in fact it had not.

All broadcasters should note that the BBFC symbols are the property of the BBFC and cannot be used unless under licence. Ofcom advises broadcasters not to use BBFC symbols or similar-looking symbols without prior consultation with the BBFC.

Breach of Rule 1.14

¹ Audience attitudes towards offensive language on television and radio, August 2010 (<http://stakeholders.ofcom.org.uk/binaries/research/tv-research/offensive-lang.pdf>)

Advertising Scheduling cases

In Breach

Breach findings table

Code on the Scheduling of Television Advertising compliance reports

Rule 4 of the Code on the Scheduling of Television Advertising (“COSTA”) states:

“... time devoted to television advertising and teleshopping spots on any channel must not exceed 12 minutes.”

| Channel | Transmission date and time | Code and rule / licence condition | Summary finding |
|---------|----------------------------|-----------------------------------|--|
| NTV | 9 February 2012, 12:00 | COSTA Rule 4 | Ofcom noted, during monitoring, that NTV exceeded the permitted advertising allowance by 6 minutes and 42 seconds. Finding: Breach |
| Zing | 11 March 2012, 10:00 | COSTA Rule 4 | Asia TV Limited notified Ofcom that its service Zing exceeded the permitted advertising allowance on this date by 157 seconds. Finding: Breach |

Other Programmes Not in Breach

Up to 16 April 2012

| Programme | Broadcaster | Transmission Date | Categories |
|------------------------------|-------------|-------------------|----------------------|
| Advertisements | Nicktoons | 20/02/2012 | Advertising minutage |
| Cherry Healey: Like a Virgin | BBC 3 | 12/01/2012 | Scheduling |
| Find My Past | Yesterday | 05/01/2012 | Product placement |
| The House Bunny | Channel 5 | 26/02/2012 | Scheduling |

Complaints Assessed, not Investigated

Between 3 and 16 April 2012

This is a list of complaints that, after careful assessment, Ofcom has decided not to pursue because they did not raise issues warranting investigation.

| Programme | Broadcaster | Transmission Date | Categories | Number of complaints |
|--------------------------------------|-------------------|-------------------|--|----------------------|
| "More Music Variety" slogan | Heart FM | n/a | Materially misleading | 1 |
| 10 O'Clock Live | Channel 4 | 11/04/2012 | Generally accepted standards | 1 |
| 11th Hour | Ary World | 12/03/2012 | Advertising scheduling | 1 |
| 8 Out of 10 Cats | 4 Music | 08/04/2012 | Religious/Beliefs discrimination/offence | 1 |
| Adult programming | Freeview | n/a | Sexual material | 1 |
| Alibi | Alibi | 15/04/2012 | Advertising minutage | 1 |
| Angry Boys | BBC 3 | 12/04/2012 | Race discrimination/offence | 1 |
| Arga snickaren | Kanal 5 | 04/04/2012 | Fairness | 1 |
| Ary News | Ary News | 28/01/2012 | Race discrimination/offence | 1 |
| Asian Network Reports | BBC Asian Network | 27/03/2012 | Harm | 1 |
| BBC News | BBC 1 | 27/03/2012 | Harm | 1 |
| BBC News | BBC Radio 2 | 27/03/2012 | Harm | 1 |
| BBC News at One | BBC 1 | 13/04/2012 | Generally accepted standards | 1 |
| BBC News at Six | BBC 1 | 22/03/2012 | Outside of remit / other | 1 |
| Big Fat Gypsy Weddings | Channel 4 | 07/04/2012 | Offensive language | 1 |
| Breakfast | BBC 1 | 29/03/2012 | Race discrimination/offence | 1 |
| Britain's Got More Talent | ITV2 | 25/03/2012 | Offensive language | 1 |
| Britain's Got More Talent | ITV2 | 07/04/2012 | Generally accepted standards | 1 |
| Britain's Got More Talent | ITV2 | 07/04/2012 | Nudity | 7 |
| Britain's Got Talent | ITV1 | 24/03/2012 | Race discrimination/offence | 1 |
| Britain's Got Talent | ITV1 | 14/04/2012 | Race discrimination/offence | 1 |
| Britain's Got Talent | STV | 14/04/2012 | Race discrimination/offence | 1 |
| Cardinal Burns (trailer) | Channel 4 | 02/04/2012 | Harm | 1 |
| Cardinal Burns (trailer) | Channel 4 | 03/04/2012 | Generally accepted standards | 1 |
| Cardinal Burns (trailer) | E4 | 31/03/2012 | Nudity | 1 |
| Cardinal Burns (trailer) | E4 | 02/04/2012 | Generally accepted standards | 1 |
| Casualty | BBC 1 | 14/04/2012 | Animal welfare | 1 |
| Catherine Cookson's The Black Candle | Yesterday | 18/03/2012 | Violence and dangerous behaviour | 1 |
| Ceefax | BBC | 30/03/2012 | Outside of remit / other | 1 |

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|---|-------------------------------|------------|--|---|
| Celebrity Juice | ITV | n/a | Race discrimination/offence | 1 |
| Celebrity Juice | ITV2 | 29/03/2012 | Generally accepted standards | 1 |
| Central Tonight | ITV1 Central | 02/04/2012 | Due impartiality/bias | 1 |
| Channel promotion | Sony Entertainment Television | 18/03/2012 | Scheduling | 1 |
| Cheekybingo.com's sponsorship of The Jeremy Kyle Show | ITV1 | 12/04/2012 | Generally accepted standards | 1 |
| Cheekybingo.com's sponsorship of The Jeremy Kyle Show | ITV1 | n/a | Generally accepted standards | 2 |
| China: Triumph and Turmoil | Channel 4 | 26/03/2012 | Generally accepted standards | 1 |
| Come Dine with Me | Channel 4 | 14/04/2012 | Race discrimination/offence | 1 |
| Come Dine with Me | Channel 4 | 14/04/2012 | Race discrimination/offence | 1 |
| Coronation Street | ITV1 | 23/03/2012 | Drugs, smoking, solvents or alcohol | 1 |
| Coronation Street | ITV1 | 29/03/2012 | Disability discrimination/offence | 1 |
| Coronation Street | ITV1 | 29/03/2012 | Drugs, smoking, solvents or alcohol | 1 |
| Coronation Street | ITV1 | 30/03/2012 | Disability discrimination/offence | 1 |
| Coronation Street | ITV1 | 30/03/2012 | Disability discrimination/offence | 1 |
| Coronation Street | ITV1 | 02/04/2012 | Gambling | 1 |
| Coronation Street | ITV1 | 02/04/2012 | Sexual material | 3 |
| Coronation Street | ITV1 | 02/04/2012 | Violence and dangerous behaviour | 1 |
| Coronation Street | ITV1 | 06/04/2012 | Gender discrimination/offence | 1 |
| Coronation Street | ITV1 | 13/04/2012 | Generally accepted standards | 1 |
| Coronation Street | ITV1 | 13/04/2012 | Product placement | 1 |
| Coronation Street | ITV1 | 13/04/2012 | Product placement | 1 |
| Coronation Street | STV | 30/03/2012 | Disability discrimination/offence | 1 |
| Cowboy Traders | Channel 5 | 04/04/2012 | Generally accepted standards | 1 |
| Crucifixion | Channel 4 | 08/04/2012 | Generally accepted standards | 1 |
| Crucifixion | Channel 4 | 08/04/2012 | Religious/Beliefs discrimination/offence | 2 |
| Customs | Pick TV | 20/03/2012 | Offensive language | 1 |
| Daybreak | ITV1 | 04/04/2012 | Generally accepted standards | 5 |
| Daybreak | ITV1 | 10/04/2012 | Competitions | 1 |
| Deal or No Deal | Channel 4 | 06/03/2012 | Generally accepted standards | 1 |
| Deal or No Deal | Channel 4 | 18/03/2012 | Generally accepted standards | 1 |

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|---|-----------------|------------|--|---|
| EastEnders | BBC 1 | 29/03/2012 | Generally accepted standards | 1 |
| EastEnders | BBC 1 | 10/04/2012 | Generally accepted standards | 1 |
| Eastenders | BBC 1 | n/a | Race discrimination/offence | 1 |
| Embarrassing Bodies | Channel 4 | 09/04/2012 | Generally accepted standards | 1 |
| Embarrassing Bodies | Channel 4 | 09/04/2012 | Materially misleading | 2 |
| Emmerdale | ITV1 | 22/03/2012 | Sexual material | 1 |
| Emmerdale | ITV1 | 10/04/2012 | Generally accepted standards | 1 |
| Emmerdale | ITV1 | 11/04/2012 | Generally accepted standards | 1 |
| Emmerdale | ITV1 | 12/04/2012 | Generally accepted standards | 1 |
| ER | Sky Atlantic | 07/04/2012 | Offensive language | 1 |
| F1: Bahrain Grand Prix coverage | n/a | n/a | Outside of remit / other | 1 |
| FA Cup Replay | ITV1 | 27/03/2012 | Competitions | 1 |
| FA Cup Semi-Final | ITV1 | 15/04/2012 | Offensive language | 1 |
| Facejacker | Channel 4 | 03/04/2012 | Disability discrimination/offence | 1 |
| Four in a Bed | Channel 4 | 10/04/2012 | Sexual material | 1 |
| Four Rooms | Channel 4 | 04/04/2012 | Race discrimination/offence | 1 |
| Gadget Geeks | Sky1 | 15/04/2012 | Violence and dangerous behaviour | 1 |
| Game of Thrones | Sky Atlantic | 02/04/2012 | Generally accepted standards | 3 |
| Game of Thrones | Sky Atlantic | 02/04/2012 | Sexual material | 1 |
| Gillette Soccer Saturday | Sky Sports News | 14/04/2012 | Due impartiality/bias | 1 |
| Great British Menu | BBC 2 | 09/04/2012 | Offensive language | 1 |
| Halfords' sponsorship of Happy Motoring on Dave | Dave | 08/04/2012 | Sexual material | 1 |
| Harry Hill's TV Burp | Cartoon Network | 02/04/2012 | Scheduling | 1 |
| Harveys' sponsorship of Coronation Street | ITV1 | 06/04/2012 | Gender discrimination/offence | 1 |
| Harveys' sponsorship of Coronation Street | ITV1 | n/a | Generally accepted standards | 1 |
| Hollyoaks | Channel 4 | 05/04/2012 | Race discrimination/offence | 1 |
| Hollyoaks | Channel 4 | 11/04/2012 | Sexual material | 1 |
| Homeland | Channel 4 | 18/03/2012 | Religious/Beliefs discrimination/offence | 1 |
| Inside Nature's Giants | Channel 4 | 09/04/2012 | Offensive language | 1 |
| ITV documentaries (trailer) | ITV1 | 07/04/2012 | Generally accepted standards | 7 |
| Jeremy Vine | BBC Radio 2 | 09/04/2012 | Crime | 1 |
| Keith Lemon's LemonAid | ITV1 | 07/04/2012 | Generally accepted standards | 1 |
| Keith Lemon's LemonAid | ITV1 | 07/04/2012 | Sexual material | 1 |
| Keith Lemon's LemonAid | ITV1 | 14/04/2012 | Sexual material | 1 |
| Keys & Gray | Talksport | 04/04/2012 | Materially misleading | 1 |

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|---|-------------------------|------------|--|---|
| LIVE with Gabby | Channel 5 | 02/04/2012 | Outside of remit / other | 1 |
| Lives in a Landscape | BBC Radio 4 | 03/04/2012 | Race discrimination/offence | 1 |
| Lockie Leonard | BBC 1 | 12/03/2012 | Sexual material | 1 |
| Look North | BBC 1 North | 12/04/2012 | Generally accepted standards | 1 |
| Loose Women | ITV1 | 11/04/2012 | Gender discrimination/offence | 1 |
| Lost Tribes | Quest | 06/04/2012 | Nudity | 1 |
| Made in Chelsea | E4 | 02/04/2012 | Animal welfare | 1 |
| Malaysia Grand Prix | Sky Sports F1 | 25/03/2012 | Competitions | 1 |
| Milly Molly | Tiny Pop | 23/03/2012 | Generally accepted standards | 1 |
| Mock the Week | Dave | 15/04/2012 | Generally accepted standards | 1 |
| News | Clyde1 | 14/03/2012 | Due impartiality/bias | 1 |
| Newsnight | BBC 2 | 04/04/2012 | Outside of remit / other | 1 |
| Newsnight | BBC 2 | n/a | Outside of remit / other | 1 |
| Party Election Broadcast by the Labour Party | BBC 1 | 11/04/2012 | Outside of remit / other | 1 |
| Party Election Broadcast by the Scottish National Party | STV | 10/04/2012 | Elections/Referendums | 1 |
| Premier Christian Radio | Premier Christian Radio | 17/03/2012 | Appeals for funds | 1 |
| Premier League Football | Sky Sports 1 | 11/03/2012 | Race discrimination/offence | 1 |
| Premier League Football | Sky Sports 2 | 14/04/2012 | Due impartiality/bias | 2 |
| Press Preview | Sky News | 05/04/2012 | Due impartiality/bias | 1 |
| Programming | Bute FM | n/a | Outside of remit / other | 1 |
| Programming | Various | n/a | Drugs, smoking, solvents or alcohol | 1 |
| Programming | Various | n/a | Offensive language | 1 |
| QI - Differences | Dave | 03/04/2012 | Generally accepted standards | 1 |
| Radio Galaxy | Radio Galaxy | 02/04/2012 | Outside of remit / other | 1 |
| Red Button | BBC 1 | 18/03/2012 | Sexual material | 1 |
| Reporting Scotland | BBC 1 Scotland | 04/04/2012 | Privacy | 1 |
| Rory McGrath's Pub Dig | Channel 5 | 10/04/2012 | Offensive language | 1 |
| Rude Tube | Channel 4 | 06/04/2012 | Generally accepted standards | 1 |
| Save Ahlulbayt TV | Ahlulbayt TV | 26/02/2012 | Appeals for funds | 1 |
| Scott and Bailey | ITV1 | 26/03/2012 | Sexual material | 1 |
| Sikhs and Politics | The Sikh Channel | 19/03/2012 | Religious/Beliefs discrimination/offence | 1 |
| Silent Witness | BBC 1 | 01/04/2012 | Generally accepted standards | 1 |
| Silent Witness | BBC 1 | 02/04/2012 | Violence and dangerous behaviour | 1 |
| Silent Witness | BBC 1 | 15/04/2012 | Generally accepted standards | 1 |
| Sky News | Sky News | 14/04/2012 | Generally accepted standards | 1 |

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|---|-------------------------|------------|--|---|
| Sky News | Sky News | n/a | Due accuracy | 1 |
| Sky News (trailer) | Sky Living | 21/03/2012 | Generally accepted standards | 1 |
| Sky News (trailer) | Sky Living | 28/03/2012 | Generally accepted standards | 1 |
| Sky Sports News | Sky Sports News | 15/02/2012 | Generally accepted standards | 1 |
| Smart on Sunday Show | XFM (London) | 11/03/2012 | Commercial communications on radio | 1 |
| Snog, Marry, Avoid? | BBC 3 | 18/01/2012 | Scheduling | 1 |
| Sonic Underground | Kix | 24/03/2012 | Offensive language | 1 |
| South East Today | BBC 1 South East | 06/04/2012 | Religious/Beliefs discrimination/offence | 2 |
| South Park | Comedy Central Extra | 31/03/2012 | Generally accepted standards | 1 |
| Sponsorship of gambling | Various | n/a | Sponsorship | 1 |
| Station ident | Pirate FM | 03/04/2012 | Violence and dangerous behaviour | 1 |
| Steve Wright in the Afternoon | BBC Radio 2 | n/a | Outside of remit / other | 1 |
| Strictly Baby Disco | Channel 4 | 11/04/2012 | Under 18s in programmes | 2 |
| Strictly Come Dancing | BBC 1 | 29/10/2011 | Sexual material | 1 |
| STV News | STV | 03/04/2012 | Due accuracy | 1 |
| Subscription promotions | Television X/Red Hot TV | n/a | Materially misleading | 1 |
| Sunrise | Sky News | 06/04/2012 | Drugs, smoking, solvents or alcohol | 1 |
| Take Me Out | ITV1 | 31/03/2012 | Disability discrimination/offence | 1 |
| Take Me Out | ITV1 | 07/04/2012 | Race discrimination/offence | 1 |
| Taylor's of Harrogate's sponsorship of Sky Arts | Sky Arts | n/a | Generally accepted standards | 1 |
| The Andrew Marr Show | BBC 2 | 15/04/2012 | Generally accepted standards | 1 |
| The Breakfast Show with Geoff | Absolute Radio | 05/04/2012 | Religious/Beliefs discrimination/offence | 1 |
| The Dales | ITV1 | 02/04/2012 | Animal welfare | 1 |
| The Grand National | BBC 1 | 14/04/2012 | Animal welfare | 1 |
| The Great British Album Countdown | Absolute Radio | 08/04/2012 | Religious/Beliefs discrimination/offence | 1 |
| The Million Pound Drop Live | Channel 4 | 13/04/2012 | Age discrimination/offence | 1 |
| The Million Pound Drop Live | Channel 4 | n/a | Age discrimination/offence | 1 |
| The Mummy | ITV1 | 08/04/2012 | Scheduling | 1 |
| The Seasons with Alan Titchmarsh | ITV3 | 02/04/2012 | Religious/Beliefs discrimination/offence | 1 |
| The Secret of My Succe\$s | ITV1 | 07/04/2012 | Scheduling | 1 |
| The Sinking of the Concordia: Caught on Camera | Channel 4 | 11/04/2012 | Outside of remit / other | 1 |
| The Slammer | BBC 2 | 07/04/2012 | Sexual material | 1 |

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|--|-------------|------------|--|----|
| The Undateables | Channel 4 | 03/04/2012 | Disability discrimination/offence | 8 |
| The Undateables | Channel 4 | 10/04/2012 | Disability discrimination/offence | 2 |
| The Undateables (trailer) | Channel 4 | 02/04/2012 | Disability discrimination/offence | 1 |
| This Morning | ITV1 | 03/04/2012 | Fairness | 1 |
| This Morning | ITV1 | 04/04/2012 | Competitions | 1 |
| This Morning | ITV1 | 13/04/2012 | Religious/Beliefs discrimination/offence | 1 |
| This World: The Mormon Candidate | BBC 2 | 27/03/2012 | Outside of remit / other | 24 |
| Titanic Pop Tracks of the Week | 4 Music | 07/04/2012 | Generally accepted standards | 1 |
| Tonight | ITV1 | 29/03/2012 | Due impartiality/bias | 1 |
| Tonight: Are Your Kids Contagious? | ITV1 | 12/04/2012 | Due impartiality/bias | 8 |
| Top Gear | BBC 2 | 05/02/2012 | Disability discrimination/offence | 41 |
| True Stories: Gypsy Blood | Channel 4 | 19/01/2012 | Animal welfare | 1 |
| TV Licensing promotion | BBC 1 | 30/03/2012 | Generally accepted standards | 1 |
| Twenty Twelve | BBC 2 | 09/04/2012 | Outside of remit / other | 1 |
| Who Wants to be a Millionaire? Celebrity Special | ITV1 | 03/04/2012 | Outside of remit / other | 1 |
| Win, Lose or Draw Late | Challenge | 07/04/2012 | Transgender discrimination/offence | 1 |
| Woman's Hour | BBC Radio 4 | 10/04/2012 | Scheduling | 1 |
| World's Craziest Fools | BBC 3 | 19/03/2012 | Scheduling | 1 |
| You've Been Framed! | ITV1 | 07/04/2012 | Generally accepted standards | 1 |

Investigations List

If Ofcom considers that a broadcast may have breached its codes, it will start an investigation.

Here is an alphabetical list of new investigations launched between 19 April and 2 May 2012.

| Programme | Broadcaster | Transmission Date |
|---|--------------|-------------------------|
| Coca-Cola: The Real Story Behind The Real Thing | CNBC | 14 January 2012 |
| Music programming | Brit Asia TV | 30 March 2012 |
| Prometheus (trailer) | Channel 4 | 29 April 2012 |
| Sport Show | PTV Global | 18 March 2012 |
| Steve Allen | LBC 97.3FM | 06 April 2012 |
| STV News at Six | STV | 15 March 2012 |
| The Wright Stuff | Channel 5 | 26 April 2012 |
| Vera | ITV1 | 29 April 2012 |
| X Ray | BBC1 Wales | 13 and 20 February 2012 |

It is important to note that an investigation by Ofcom does not necessarily mean the broadcaster has done anything wrong. Not all investigations result in breaches of the Codes being recorded.

For more information about how Ofcom assesses complaints and conducts investigations go to:

<http://stakeholders.ofcom.org.uk/broadcasting/guidance/complaints-sanctions/standards/>.

For fairness and privacy complaints go to:

<http://stakeholders.ofcom.org.uk/broadcasting/guidance/complaints-sanctions/fairness/>.