



Islahi Iztema

Type of case	Broadcast Standards
Outcome	In Breach
Service	Iqra Bangla
Date & time	3 March 2022, 13:00 to 14:00
Category	Abusive and derogatory treatment Generally accepted standards
Summary	Statements made in this programme amounted to abusive and derogatory treatment of the LGBT community. The content was potentially offensive and not sufficiently justified by the context. In breach of Rules 3.3 and 2.3 of the Broadcasting Code.

Introduction

Iqra Bangla is a Bengali language general entertainment satellite television channel, broadcasting to the Bangladeshi Muslim community in the UK. Its output includes a range of religious programmes broadcast from an Islamic perspective. The licence for Iqra Bangla is held by Runners TV Limited (“Runners TV” or “the Licensee”).

Ofcom received a complaint that the above programme included statements which it considered amounted to hate speech against the LGBT community and was concerned that the speaker in the programme compared the “LGBT community with dogs and pigs, saying they are worse than animals”. The complainant considered the statements made in the programme “disturb the harmony and cohesion of British values and law”¹.

¹ Ofcom initially sought comments from the Licensee under: Rule 3.2 (hate speech); Rule 3.3 (abusive and derogatory treatment); and Rule 2.3 (material which may cause offence). After careful consideration of the Licensee’s representations and the editorial context of this programme we decided not to pursue an investigation under Rule 3.2.

This one-hour programme was part of the channel's live coverage of a three-day Islamic religious event called *Islahi Iztema* (meaning "reform conference") which is held annually in Bangladesh. A number of Bangladeshi religious clerics and preachers addressed the audience during the three-day event which was broadcast live on Iqra Bangla TV.

The material was broadcast in the Bengali language with some Arabic recitations from the Qur'an. Ofcom commissioned a translation of the programme, which we used for the purposes of this investigation. We provided an English translation of the Bengali content to the Licensee and gave it an opportunity to comment on its accuracy. The Licensee did not dispute or suggest any changes to the accuracy of the translation, and we therefore relied on it for the purposes of our investigation.

Programme Summary

This programme provided live coverage of a one hour religious gathering featuring an Islamic preacher addressing a crowd in Bangladesh. Throughout his sermon the preacher called out to the audience to agree with him, and they in turn called back their approval of his statements.

The preacher said the subject of his sermon was why demonstrating the Islamic faith through actions was more important than mere knowledge of scripture and sermons. He set out the premise that true devotion or "success" lay in following religious teachings in daily life, and that simply having theological knowledge is not sufficient.

Preacher: *"So, brothers, the discussion, the sermon that is actually necessary for our life, the discussion that the respected Islamic Scholars have discussed, if that is followed, I think no more discussion is necessary. Is that not right?"*

Crowd: *"Right".*

Preacher: *"We have memorised the sermons listening to them. In today's time, even many tea shopkeepers will be able to give sermons for a few hours. Is that not right?"*

Crowd: *"Right".*

Preacher: *"Actually, we all know the sermons. But the problem is, we do not follow. Where is the problem?"*

Crowd: *"We do not follow".*

The preacher moved on to discuss Hinduism which he said is the second largest religion in Bangladesh. He argued Hinduism is theologically flawed, taking examples of different Hindu Gods and giving what he described as "logical arguments and evidence" that they do not hold divine power when it comes to issues such as wealth, health and education. The preacher then made the case that such powers were only held by God.

Approximately 16 minutes into the programme the preacher then turned to the issue of democracy:

Preacher: *"There is another group who are democratic. They believe in the religion of democracy. The name of the founder of their religion is Abraham Lincoln. Like the founder of the religion of Islam is prophet*

and Messenger of God, Muhammad, may God's prayers and peace be with him. The founder of the religion of Hindus is Radha-Krishna. Brothers, the founder of the religion of Sikhs is Guru Nanak. Is that not right?"

Crowd: *"Right".*

Preacher: *"The founder of the religion of Buddhists is Gautam Buddha. The founder of the religion of Democracy is Abraham Lincoln. Abraham Lincoln said, 'All powers do not belong to God. All powers belong to people'".*

Crowd: *"We seek refuge in God".*

Preacher: *"Why are you not saying that we seek refuge in God".*

Crowd: *"We seek refuge in God".*

Preacher: *"Abraham Lincoln defined democracy as government by the people, of the people, for the people. It simply means that all the powers belong to the people, the sovereignty belongs to the people, the law-making power belongs to the people, people are everything".*

Crowd: *"We seek refuge in God".*

Preacher: *"That means, whatever law people make will be valid".*

Crowd: *"We seek refuge in God".*

The preacher then discussed homosexuality in the United States:

Preacher: *"But the theory of the religion of democracy is that all the powers belong to the people".*

Crowd: *"We seek refuge in Allah".*

Preacher: *"For example, in America, the people together made the law of homosexuality. What is homosexuality? Do you know? There are many children present here, so I am not able to explain everything explicitly. It means men and men; women and women can marry each other and live together".*

Crowd: *"We seek refuge in Allah".*

Preacher: *"The law that does not exist amongst dogs, the law that does not exist amongst foxes, [inaudible, no sound and distorted sound], some people are worse than four-legged animals. In another verse God said: [Speaking in Arabic: "It is they who are the worst of creatures"], some people are worse than dogs, foxes and pigs".*

Crowd: *"We seek refuge in Allah".*

Preacher: *“Worse than the worst animal. I used to wonder how human beings could be worse than the worst animal? Truly, I did not understand it well. But when they legalised homosexuality, I understood the context. That truly, the law that does not exist amongst dogs, the law that does not exist amongst pigs, the law that does not exist amongst animals, [inaudible], they are truly not human beings, they are worse than dogs, foxes and pigs”.*

Crowd: *“Right”.*

Preacher: *“Is it right or wrong?”*

Crowd: *“Right”.*

Preacher: *“Because, the theory of the democracy is, whatever law the people make is valid”.*

The comments about homosexuality lasted approximately two minutes within the hour-long programme. The preacher then went on to other topics for the remainder of the programme, i.e. approximately 42 minutes of further content. He said that cannabis and prostitution had been legalised in many countries because the *“followers of the religion of democracy can legitimise fornication in exchange for money”*. The preacher then argued *“most of the key figures of democracy are atheists”*, citing the example of Charles Darwin. He criticised the decision to teach Charles Darwin’s theory of evolution in Bangladeshi schools and universities, claiming the theory had been excluded from top universities in Europe and the US. The speaker then closed the sermon by discussing several miracles performed by Allah and called for the congregation to ask for forgiveness and pray to Allah to not *“let a single person go from here without getting your knowledge...Don’t let us die without making us your admirer. Brothers, cry and ask for forgiveness in the court of God”*.

We considered statements made in this programme raised potential issues under the following rules of the Broadcasting Code (the ‘Code’)²:

Rule 3.3: *“Material which contains abusive or derogatory treatment of individuals, groups, religions or communities, must not be included in television and radio services... except where it is justified by the context”.*

Rule 2.3: *“In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context... Such material may include but is not limited to... discriminatory treatment or language (for example on the grounds of...sex and sexual orientation... Appropriate information should also be broadcast where it would assist in avoiding or minimising offence”.*

Ofcom requested the Licensee’s comments on how this material complied with these rules.

² Ibid.

Response

Runners TV said Iqra Bangla is a “community and faith-orientated” channel aimed at the Bangladeshi diaspora in the UK. It explained that the channel is one of several companies that made up the Al-Khair Foundation³ which it described as “a substantial and well-respected charitable foundation the purposes of which include education, social welfare and community development”.

The Licensee said *Islahi Iztema* is a major three-day event held annually at Kishoreganj in Bangladesh which is “attended by many tens of thousands of ordinary Bangladeshis”. It said while the literal translation of *Islahi Iztema* is “reform conference”, the essence of the event “is that of a ‘spiritual uplifting’ gathering, and...is of a religious and educational nature”. It further added that the event was of “interest to IQRA Bangla’s viewers, and its religious and educational purposes are consistent with the channel’s general programming and align with the objectives of the [Al-Khair] Foundation for community education”.

Runners TV made a number of points which it said provided contextual justification as to how the religious speaker's references to homosexuality complied with the rules set out above. Specifically, the Licensee said that:

- *Islahi Iztema* is not a radical or extreme event and “has no history of attracting militant or extremist contributors” and that its “religious content has generally been orthodox and rooted in accepted and established teaching from the Qur’an”. However, given the channel was carrying three days of a live conference at which many speakers would appear, Runners TV said it decided to show a disclaimer “20 minutes before the section of the broadcast of the programme which is the subject of Ofcom’s investigation”, which stated that “anything said is the view of the speaker and not that of IQRA Bangla”. The Licensee provided Ofcom with a copy of the wording used in the disclaimer. Runners TV also told Ofcom that organisers of the event “were informed beforehand by Qasim Ahmad” the chairman and founder of the Al-Khair Foundation not to include “any controversial topics”
- the speeches included “extensive recitation from the Qur’an” in line with viewers’ expectations of such a religious event. In addition, viewers would also be “aware that the Qur’an is not a linear text but written as if to be delivered as a series of sermons, the purpose of which is to teach through sound, visual images and appeals to the imagination and emotions. Its verses are understood properly only in the context of each other and do not stand alone”. Therefore, a “speech interspersed with citations from the Qur’an would be understood by those familiar with the whole of the Qur’an, including Iqra Bangla’s audience, in a sophisticated manner which is not easily replicated by seeking to understand a transcript of sections of such speech”;
- the Qur’an “contains passages critical of homosexuality, expressed in the sort of colourful and polemical language used throughout that text” and those passages are “indivisible parts of the teachings of Islam”. The Licensee said it fully accepted that “those passages must be treated with sensitivity when presented to an audience unfamiliar with the wider teachings, and with the Qur’an as a whole”. However, it added that the “audience of

³ See: <https://alkhair.org/>

Islahi Iztema was familiar with the Qur'an and the passages cited and there was no reason to qualify them so as to explain them to a non-Muslim audience";

- the "Qur'an contains passages which unequivocally assert that some people are, 'worse than four-legged animals' or 'worse than all of the creation' and that the class of such people includes homosexuals"; and
- the religious speaker sought to "explain how those passages in the Qur'an have become clearer to him since he considered how the democratic ideology had given rise to laws which appear to him to have no natural basis".

Runners TV said that the inclusion of such language as was expressed by the speaker (much of which it said was drawn directly from the Qur'an) in a discussion of doctrinal issues may cause offence if taken out of context. However, the Licensee said in context, it considered any potential for offence was "mitigated to the point that no breach of the Code had taken place". Specifically, Runners TV further argued that:

- the disclaimer displayed prior to broadcast sought to distance the channel from any views expressed by speakers at the event, by explaining to viewers that any remarks made were made in the context of the event, and were not necessarily being put forward as acceptable for a UK audience;
- the sermon "did not set out to demonise homosexual people in particular" and was part of a discussion of wider doctrinal issues. Where there was "reference to homosexuality, such references were made in passing on the basis that the Qur'an's teachings on the subject are unequivocal";
- unlike in other cases where Ofcom has intervened to investigate speeches by Islamic clerics about homosexuality, there was nothing in this speech "that goes beyond what is said in the Qur'an". There was no "expression of disgust or moral approbation, and certainly no call for violence or other incitement to shun or otherwise treat homosexuals less favourably"; and
- while "comparing homosexuals unfavourably to animals would in many cases cause offence (under [Rule] 2.3), amount to hate speech (under [Rule].3.2), and undeniably does constitute derogatory treatment (for the purposes of [Rule].3.3)", in this particular case the "use of hate speech or derogatory treatment...was (perhaps marginally) justified by the context".

The Licensee acknowledged "the capacity for sermons such as that at issue in this case, even though it was not controversial, extremist or militant in terms of mainstream Islamic teaching, to cause offence, particularly where passages are taken out of context". It said it had therefore reviewed its decision to carry the whole three-day event live and based upon that review, may decide that in future it will not do so again and only broadcast "after vetting" in order to "maintain its positioning as a family-friendly, educational channel", as it "does not wish to be considered controversial or a source of offence".

In additional representations, the Licensee said that “most ayat [verses] draw a further clarification/illumination from other ayat [verses]” in the Qur'an, “something which the affected audience which are versed familiar in the structure and ideology of the Qur'an would fully appreciate”. It added that “the Qur'an is not linear text and when they (the scholar) refer to a particular portion, the interpretation may not be the word to word meaning of that particular portion but explaining the wider message it provides”.

The Licensee added it seeks to comply with its duties under the Code, while fulfilling its remit as a religious and educational outlet for the benefit of the Bangladeshi community, the vast majority of whom are Muslim. The Licensee said, “[f]rom time to time there is some tension between these two objectives”, but it will “always try to understand and learn” from any instances where offence has been caused by its output.

Response to Preliminary View

Runners TV said it “regrets any offence that has been caused and takes this matter extremely seriously” although they are “naturally disappointed” by the proposed outcome.

The Licensee reiterated the points it made in its previous responses; namely that it considered the statements broadcast in the programme would not – when considering the context in which they were broadcast and the programme’s audience – “have either caused offence or been understood as abusive or derogatory to such a degree as to represent a breach of the Code”.

The Licensee said that “the verses of the Qur'an which allow for making comparisons between homosexuals and animals were deployed by the preacher within the context of his observations that man-made laws are inferior to religious laws”. Further, the Licensee said it was “significant” that the preacher “quoted the verse in its original Arabic, distinguishing it from his own words”.

Runners TV also said that it was “relevant and significant” that the preacher went on to list other activities which he described as being “enabled by man-made laws” such as “taking cannabis, prostitution and the teaching of Darwinian evolutionary theory, thereby morally [equating] those activities to the practice of homosexuality”. The Licensee said the preacher “was not singling out homosexuality for criticism but listing it amongst other activities which he considered were contrary to the teachings of Islam”. As such, “any offence caused by the verse from the Qur'an about homosexuality would have been seriously tempered”.

The Licensee also added that having regard to the principles of freedom of religion and expression and taking account that the words “at the heart of this case were directly quoted from the Qur'an” and by a “third party as part of a longer sermon”, it had hoped that “Ofcom would afford it a margin in the application of that balance rather than hold it in breach of the Code”. It also asked Ofcom to take into consideration that in “fulfilling its object of providing religious education [...] the channel may occasionally find itself having to confront very challenging ethical and doctrinal issues where there is a balance to be struck between certain religious tenets or elements of text on the one hand, and the values of peaceful coexistence and tolerance which it also seeks to uphold on the other”. However, it said it would “continue to strive to deliver a platform for measured and tolerant religious learning based on the Qur'an, which is its object, whilst respecting the sacred scripture which is of course the founding document of the second most populous global religion”.

The Licensee said that it understood that if certain verses of the Qur'an were taken out of context it could cause offence and when it was made aware of the complaint to Ofcom it has taken yet further measures to avoid causing offence including:

- asking presenters and contributors to sign an undertaking to comply with editorial guidelines set out by the channel;
- deciding not to broadcast the most recent religious festival in its entirety, with only the final remarks and closing prayers broadcast live; and
- programmes on the channel now carry this disclaimer: “the professional and personal views, opinions, beliefs, wishes and traditions of the host and the guests expressed herein do not necessarily reflect the views of this channel. Through this programme, the channel or the producer do not want to hurt any religious, gender and moral sensibilities of anyone”.

Finally, the Licensee urged Ofcom to reconsider finding the programme in breach of the Code and reiterated that it “was not deliberately or recklessly responsible for this issue arising, and that it will continue to work very hard to avoid any similar issue arising in the future, as indeed it has done successfully in the 18 months since notification of the complaint”.

Decision

Reflecting our duties under the Communications Act 2003 (section 319), Sections Two and Three of the Code require that generally accepted standards are applied to the content of television and radio services to provide adequate protection for members of the public from the inclusion of harmful and/or offensive material in programmes, including material containing abusive and derogatory treatment of individuals, groups, religions, or communities.

Ofcom must have regard to the audience's and broadcaster's right to freedom of expression set out in Article 10 of the [European Convention on Human Rights \('ECHR'\)](#) when considering the Licensee's compliance with the Code. We must also have regard to Article 9 of the ECHR, which states that everyone “has the right to freedom of thought, conscience and religion”. The human right to impart information and ideas is not limited to statements deemed “correct” by authorities but extends to information and ideas that may shock, offend and disturb. Ofcom has taken account of these rights when considering the Licensee's compliance with the Code.

Ofcom has also had due regard⁴ in the exercise of its functions to the need to eliminate unlawful discrimination, to advance equality of opportunity and to foster good relations between those who share a relevant protected characteristic, such as sexual orientation, and those who do not.

In line with the freedom of expression, broadcasters should be able to, and can, make programmes which express a critical view and include opinions that some viewers may find offensive. The Code does not seek to prevent people from being able to express views rejecting or criticising differing views, lifestyles or beliefs. To do so would, in our view, be a disproportionate restriction of the broadcaster's right to freedom of expression, its related right to freedom of religion and the audience's right to receive information.

However, when broadcasting material of this nature, broadcasters must comply with the Code.

⁴ Section 149 of the Equality Act 2010.

Rule 3.3

Rule 3.3 of the Code states:

“Material which contains abusive or derogatory treatment of individuals, groups, religions or communities, must not be included in television...services except where it is justified by the context”.

The Code does not prohibit criticism of homosexuality or any sexual orientation. However, such criticism must not spill over into abusive or derogatory treatment. The Code has been drafted in light of the Human Rights Act 1998 and the ECHR. In the context of Rule 3.3, when assessing if content was compliant with the Code, Ofcom must take into consideration the right to freedom of expression, which encompasses the broadcaster’s and 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 sexual orientation.

We first considered whether this programme contained abusive or derogatory treatment of individuals, groups, religions or communities. This hour-long programme broadcast a live sermon by a religious speaker to a large congregation in Bangladesh as part of a three-day religious event.

During a section of the sermons, which lasted approximately two minutes, the preacher made statements that:

- characterised homosexual people as: “worse than four-legged animals”; “the worst of creatures”; and “worse than dogs, foxes and pigs”;
- referred to homosexual people as “worse than the worst animal”; and
- suggested they are “truly not human beings, they are worse than dogs, foxes and pigs”.

We considered that these statements ascribed abusive and derogatory characteristics to homosexual people as a whole by:

- debasing homosexual people by repeatedly unfavourably comparing them to animals (“worse than four-legged animals”, “worse than the worst animal” and “worse than dogs, foxes and pigs”); and
- dehumanising homosexual people by asserting they are “truly not human beings”.

We carefully considered the Licensee’s argument that the “sermon did not set out to demonise homosexual people in particular” was not “singling out homosexuality for criticism” but was part of a discussion of wider doctrinal issues. The Licensee said the preacher was listing homosexuality among other activities which he considered were “enabled by man-made laws” and “contrary to the teachings of Islam” such as “taking cannabis, prostitution and the teaching of Darwinian evolutionary theory”. We also noted the Licensee’s response that Ofcom should have regard for the fact the statements were made by a third party as part of a longer sermon. We acknowledged these statements were brief and formed part of a longer theological sermon exploring wider doctrinal issues. However, we considered that in describing homosexual people, the preacher attributed demeaning and negative characteristics, including describing homosexuals as “*truly not human beings, they are worse than dogs, foxes and pigs*”. In doing so, the programme went beyond a theological and doctrinal discussion about the status of homosexuality in Islam and extended to abusive and derogatory treatment.

The Licensee argued there was no “expression of disgust or moral approbation and certainly no call for violence or other incitement to shun or otherwise treat homosexuals less favourably”. While Ofcom agreed the preacher did not call for violence or punishment of homosexual people, Rule 3.3 contains nothing to suggest that *only* content that includes calls for violence, shunning or discrimination is abusive and derogatory. In this case, Ofcom considered the language used by the preacher to describe homosexual people expressed a level of disgust, characterised in highly pejorative terms.

It was therefore Ofcom’s Decision that the programme contained material which amounted to abusive or derogatory treatment of homosexual people on the basis of their sexual orientation.

We went on to consider whether there was sufficient context to justify the broadcast of this abusive and derogatory treatment. The Code does not prohibit discussions about controversial issues, such as the issue of homosexuality as a transgressive practice within Islam, as long as there is sufficient context. Our [published Guidance to Section Three](#) makes clear that there are certain genres of programming where there is likely to be editorial justification for including challenging or extreme views in keeping with audience expectations, provided there is sufficient context. However, the greater the risk the material may cause harm or offence, the greater the need for contextual justification.

In assessing whether there is a contextual justification, Ofcom must take proper account of the broadcaster’s and the audience’s right to freedom of expression, which includes the right to receive information, and related rights to freedom of thought, conscience and religion.

The right to freedom of religion is one of the foundations of a democratic society and includes the right to manifest one’s religion. However, Article 9 does not protect every act motivated or inspired by a religion or conviction⁵, and in a democratic society a state can legitimately consider it necessary “to place restrictions on [freedom of religion] in order to reconcile the interests of the various groups and ensure that everyone’s beliefs are respected”⁶. We took into account, in this regard, that broadcasting is an intrusive medium in that it is broadcast directly into people’s homes, and that reasoned debate is generally afforded a higher degree of protection than slogans and abusive messages.⁷

The Code states that contextual factors relevant to Rules 3.3 of the Code may include, but are not limited to:

- the genre and editorial content of the programme;
- the extent to which sufficient challenge is provided;
- the status of anyone featured in the material; and

⁵ *Metropolitan Church of Bessarabia v Moldova no.45701/99* (13 December 2001).

⁶ *Kokkinakis v Greece* [1993] ECHR 20.

⁷ See e.g. *Core Issues Trust v Transport for London* [2013] EWHC 651.

- the service on which the programme is broadcast and the likely size and expectations of the audience.

We therefore considered whether these or any other contextual factors were relevant to this case.

Iqra Bangla is a community and faith-oriented channel aimed at the Bangladeshi Muslim diaspora in the United Kingdom. The service describes itself as one of Europe’s most popular Muslim channels with a programme base which addresses contemporary issues for Muslims trying to balance religion in the modern world. The Licensee further explained that its objective was to provide religious education. The Licensee said that this programme was part of its live coverage of a major three-day event called *Islahi Iztema* which is held annually at Kishoreganj in Bangladesh. It said its literal translation means “reform conference”, but the essence is that of a "spiritual uplifting" gathering, and the event is of “a religious and educational nature”.

Freedom of religion

Ofcom acknowledged Iqra Bangla's audience was likely to expect the channel to show programmes which focus on Islamic principles regarding subjects including homosexuality. We accepted that some Islamic religious texts including the Qur’an refer to homosexuality as morally reprehensible.

In line with freedom of religion, we also considered it was acceptable in a religious programme for the preacher to put forward the view that homosexuality is considered a moral transgression in Islam and that he strongly disagreed with homosexuality. This, in itself, and depending on the context, would not necessarily have amounted to abusive and derogatory speech. However, in our view, the preacher’s statements went beyond this. In our view, he used language which amounted to derogatory and abusive treatment of homosexual people.

The Licensee said the Qur’an contains passages which “unequivocally assert that some people are, ‘worse than four-legged animals’ or ‘worse than all of the creation’ and that the class of such people includes homosexuals”. It added that “the verses of the Qur’an which allow for making comparisons between homosexuals and animals were deployed by the preacher within the context of his observations that man-made laws are inferior to religious laws” and “any offence caused by the verse from the Qur’an about homosexuality would have been seriously tempered”. The Licensee also said it was “significant” that the preacher “quoted the verse in its original Arabic, distinguishing it from his own words”. Ofcom was mindful that the Qur’an does contain passages which are critical of homosexuality. However, if a Licensee chooses to broadcast statements which express a preacher’s theological view or discuss a doctrinal issue, it must still ensure it complies with the Code, including the requirements set out in Rules 3.3 and 2.3. There is an important distinction between condemning and criticising homosexual practices, and abusive or derogatory treatment of homosexual people based on their sexual orientation as broadcast on the programme. In our view, the preacher in his observations that man-made laws are inferior to religious laws went beyond criticising the legalisation of homosexuality as an inferior law and beyond directly quoting from the Qur’an. He used abusive and derogatory language to describe homosexual people, which denigrated and dehumanised them. Furthermore, the preacher quoting the Qur’anic verse in its original Arabic did not provide sufficient contextualisation for the abusive and derogatory statements which were made by the preacher and as set out above, his statements went beyond these quotes.

Runners TV said that taking account of the channel’s objective of providing religious education it “may occasionally find itself having to confront very challenging ethical and doctrinal issues where there is a balance to be struck between certain religious tenets or elements of text on the one hand,

and the values of peaceful coexistence and tolerance which it also seeks to uphold on the other". We noted that Runners TV also told Ofcom in its representations that organisers of the event "were informed beforehand by Qasim Ahmad" the chairman and founder of the Al-Khair Foundation not to include "any controversial topics". The Code does not prohibit licensees from broadcasting challenging or controversial views or prohibit anyone from appearing on television or radio just because their views or actions have the potential to cause offence, however, it must still ensure it complies with the Code, including the requirements set out in Rules 3.3 and 2.3. As stated above, in Ofcom's view, the statements from the preacher went beyond discussing doctrinal issues about superiority of religious law over man-made laws and the status of homosexuality in Islam and extended to abusive and derogatory treatment.

Audience expectations

Ofcom considered the Licensee's argument that taking account of the particular context in which these statements were broadcast and having regard to the programme's audience, would not "have either caused offence or been understood as abusive or derogatory to such a degree as to represent a breach of the Code". Runners TV also said the sermons included in these broadcasts contained "extensive recitation" from the Qur'an in line with viewers' expectations of such a religious event. It explained the Qur'an is not a linear text but written "as if to be delivered as a series of sermons, the purpose of which is to teach through sound, visual images and appeals to the imagination and emotions". It added the verses of the Qur'an are understood properly only in the context of each other and do not stand alone. It said a speech interspersed with citations from the Qur'an is understood by those familiar with the whole of the Qur'an, including Iqra Bangla's audience, "in a sophisticated manner which is not easily replicated by seeking to understand a transcript of sections of such speech". The Licensee said while it fully accepted that those passages must be treated with sensitivity when presented to an audience unfamiliar with the Qur'an, however, Iqra Bangla's viewers were familiar with the Qur'an, and the passages cited. Therefore, Runners TV argued there was no reason to qualify them so as to explain them to a non-Muslim audience.

While Ofcom has taken into account that members of Iqra Bangla's audience would be very familiar with the Qur'an and be able to distinguish accurate citations of scripture, we considered some members of the audience could be less able to make that distinction. We had regard to the fact that the audience may have expected some programming which examined the Islamic principles on subjects such as homosexuality and it was acceptable in a religious programme for the presenter to put forward the view that homosexuality is not accepted in Islam. It was also acceptable for the presenter to put forward the view that he strongly disagreed with homosexuality. However, in our view, the preacher used abusive and derogatory language and propagated a particularly intolerant view of homosexual people including language which dehumanised them and compared them to animals.

Ofcom did not consider it necessary to establish the views of Muslims generally or the typical audience of this service about homosexuality to determine this case. In Ofcom's view the statements made during this sermon amounted to abusive and derogatory treatment of homosexual people and in our view, it would have been clear to the audience that the preacher was speaking against homosexual people on the basis of their sexual orientation. We do not consider that unchallenged

abuse against homosexuality on a regulated broadcasting service would be within the expectations of a UK audience, given that sexual orientation is a protected characteristic in the UK.⁸

We also took into account that no material was broadcast before or after these statements that provided any challenge to, criticism of, or contrast to the speaker's intolerant and derogatory views on homosexuality.

Authority of the speaker

Ofcom understands that the *Islahi Iztema* conference is a major religious event, where well regarded and respected religious preachers are invited to speak. Therefore, we considered the statements made by the religious preacher of this sermon would have held weight and authority with Iqra Bangla viewers.

Disclaimer

The Licensee told Ofcom it showed on screen a text disclaimer 20 minutes before the start of the sermon which read in English:

“The professional and personal views, opinions, beliefs, wishes and traditions of the host and the guests expressed herein do not necessarily reflect the views of this channel. Through this programme, the channel or the producer do not want to hurt any religious, gender and moral sensibilities of anyone”.

Runners TV argued this disclaimer provided viewers of this sermon with important context and explained that the views expressed by speakers did not necessarily reflect the views of Iqra Bangla. However, we took into account that it was shown 20 minutes before the programme started and as such, it may not have been seen by viewers of this particular sermon, limiting its effectiveness. Furthermore, the disclaimer did not sufficiently warn viewers about the abusive and derogatory content contained in this sermon. While Ofcom agreed the broadcast of a disclaimer can be a useful tool to inform audiences, it does not absolve a Licensee from its responsibility not to include offensive and harmful material in its programming. Licensees, including Runners TV, must ensure content complies with the Code and that audiences are adequately protected from harm. We considered therefore that the disclaimer did not sufficiently mitigate the abusive and derogatory statements made by the preacher or challenge the specific allegations constituting abusive and derogatory treatment as set out above.

Taking account of all the above factors, we considered that the context was not sufficient to justify the abusive and derogatory comments made by the preacher. Ofcom's Decision is that this content breached Rule 3.3.

Rule 2.3

Rule 2.3 of the Code states that:

“In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context. Such material may include...discriminatory treatment or language (for example on the grounds of...

⁸ Equality Act 2010 <https://www.legislation.gov.uk/ukpga/2010/15/part/2/chapter/1>.

sexual orientation...). Appropriate information should also be broadcast where it would assist in avoiding or minimising offence”.

Rule 2.3 requires broadcasters to ensure that potentially offensive material is justified by the context. Context includes, for example: the editorial content of the programme; the service in which the material is broadcast; the time of broadcast; and the likely expectation of the audience.

When considering whether there has been a breach of Rule 2.3, Ofcom must take proper account of the broadcaster’s and the audience’s right to freedom of expression, which includes the right to receive information, and related rights to freedom of thought, conscience, and religion. The Code does not prohibit discussions about controversial topics, or the broadcasting of opinions that some viewers may find offensive. To do so would, in our view, be a disproportionate restriction of the broadcaster’s rights to freedom of expression and thought, conscience and religion and to the audience’s right to receive information. However, when broadcasting material of this nature, broadcasters must comply with all relevant rules of the Code to ensure that any such content does not cause unjustifiable offence.

We first considered whether the content had the potential to cause offence. As set out above under Rule 3.3, we considered that statements made in this programme amounted to abusive and derogatory treatment of homosexual people. We took the view therefore that this content had the potential to cause significant offence, as by its nature it discriminated against a group of people on the grounds of their sexual orientation, which is a protected characteristic in the UK.

We went on to consider whether there was sufficient context to justify the broadcast of this potentially offensive content. The Licensee acknowledged that the inclusion of such language as was expressed by the speaker in a discussion of doctrinal issues may cause offence if taken out of context. It argued that when the statements were taken in context of Islamic teachings and quotes from the Qur’an, any potential for offence was mitigated to the point that no breach of the Code had taken place. The Licensee also suggested “that any offence caused by the verse from the Qur’an about homosexuality would have been seriously tempered”. However, for the reasons set out above under Rule 3.3, we considered this sermon included discriminatory language against homosexual people and was broadcast without challenge, sufficient context or timely information that would assist in avoiding or minimising the potential for offence. We did not consider that unchallenged abuse against homosexuality on a regulated broadcasting service would be within the expectations of a UK audience, given that sexual orientation is a protected characteristic in the UK. Ofcom did not consider the disclaimer broadcast by the channel 20 minutes before the programme started mitigated the potential for significant offence in this case, for the reasons mentioned above.

Ofcom therefore considered that there was insufficient context to justify this potentially offensive material which we considered likely to have exceeded audience expectations. We took into account the various factors provided by the Licensee by way of mitigation, including the steps it has taken to reduce the likelihood of a recurrence. However, for the reasons given above, our Decision is the content did not meet generally accepted standards and had the potential to cause offence in breach of Rule 2.3.

Conclusion

Ofcom acknowledges the measures the Licensee has taken in light of the issues raised by this investigation. However, we remained concerned that this abusive and derogatory content was broadcast without sufficient contextualisation or challenge. We considered that in describing

homosexual people in this way the programme went beyond a theological and doctrinal discussion about the status of homosexuality in Islam and extended to abusive and derogatory treatment.

Our Decision therefore is that the content breached Rules 3.3 and 2.3.

Breaches of Rules 3.3 and 2.3