

Information Notice

(IN/03/2020)

24th June 2020

On the 4th of June 2020 the Communications Commission (the Commission) wrote to Manx Radio to provide formal notification of an investigation into an alleged breach of the Broadcasting Programme Code (the Code). The breach was alleged to have occurred during the 'Late Show' that was broadcast on the 3rd of June 2020. The allegations claimed the use of racist terms and/or the use of inappropriate language.

There has been much debate and coverage of the issue with much of it being focussed on the individuals involved in the broadcast and the appropriateness of opinions held or expressed during the broadcast. There has also been discussion on the wider issue of racism in the Isle of Man and further afield. It is therefore important that Commission clarifies its role and remit from the outset.

The Commission does not have any remit to investigate individuals but does have a responsibility to investigate alleged breaches of licence conditions by its licensees; in this instance the focus of the investigation is Manx Radio, no other party has been investigated by the Commission. The Commission has no role in disciplinary processes instigated by third parties.

Additionally, the investigation focussed solely on whether the broadcast in question was conducted in a manner that was in keeping with the Code. This was not an investigation on the validity, or otherwise, of any opinions held or expressed by any parties, nor has the Commission made any findings in that regard.

A detailed report has been published outlining the Commission's investigation and findings and this report should be considered the document of record, this notice simply attempts to provide a high level overview of the report for convenience.

At the core of this investigation were two competing rights that are enshrined in the Code – the right for audiences to expect that licensed services will reflect their responsibility to preserve human dignity, as far as possible, and the right to freedom of expression. Neither right under the Code is an absolute right; an individual or individuals being offended or upset does not constitute an automatic breach of the Code, nor does the right to freedom of expression protect allow a person to say whatever they like.

Having taken due account of the context of the programme in question, being a late night live debate platform, the emotive nature of the topic at hand, and the overall tone of the broadcast in question the Commission found that there was no breach of the Code; that is not to say that some people may have deemed some or all of the broadcast inappropriate or have taken offence.

In considering the matter the Commission found that while there was no intent to stir up racial hatred evident, some of the language at times did constitute insensitive comments; the Code is clear that such comments must be viewed in the context of the programme in question.

This must also be balanced against the provisions for freedom of expression in both the Code and relevant Human Rights legislation which is clear that people are free to hold and express opinions without interference by public authority regardless of frontiers.

The Commission is of the view that debates on subjects such as racism and discrimination are important to society and such debates should be open and balanced. While the debate during the broadcast in question was largely conducted in such a manner, the isolated incidents of insensitive comments were not in and of themselves sufficient for the Commission to intervene in a manner that would restrict the right to freedom of expression.

Effectively closing down debate on a topic that requires public discussion now more than ever would not be a proportionate response nor would it be beneficial to society in the long run; it is only through open discussion and debate, where all opinions are subject to scrutiny, that societal norms and values are tested.

The full Investigation Report (Document Number DN/03/2020 dated 24th June 2020) is available on the Commission website at www.iomcc.im