Muslim Council of Britain’s Response to the Government’s Consultation on the Leveson Inquiry and its implementation

1. Introduction

- The Muslim Council of Britain (MCB), founded in 1997, is an inclusive umbrella body of affiliates made up of hundreds of mosques, educational and charitable bodies, cultural and relief agencies and women and youth groups across the UK. The affiliate base reflects the diversity of Muslims in the UK being from a range of ethnic, geographical and theological backgrounds and traditions. It is pledged to work for the common good of society as a whole.

- The media plays an integral role in our democracy, not only informing the public and reporting news, but also speaking truth to power and holding institutions and government accountable. Almost all of the national mainstream press have agreed that they should abide by the highest professional standards and journalism ethics balancing freedom of expression – such as the right to inform, to be partisan, to challenge, shock, be satirical and to entertain – with the rights of the public, not only to the letter but also in spirit.¹

- In contrast to the claim in the consultation document that much has changed, breaches of the basic standards remain commonplace, especially when it comes to reporting of minority communities with over 15 retractions related to Muslims in the last year alone (see Appendix for examples).

- There is currently no incentive in place to require independence, and the incorporation of the recommendations of Lord Leveson’s inquiry, which would drastically improve the reporting on these important issues.


2. Responses to Questions

Question 1:
Which of the following statements do you agree with:

(a) Government should not commence any of section 40 now, but keep it under review and on the statute book;
(b) Government should fully commence section 40 now;
(c) Government should ask Parliament to repeal all of section 40 now;
(d) If Government does not fully commence section 40 now, Government should partially commence section 40, and keep under review those elements that apply to publishers outside a recognised regulator;
(e) If Government does not fully commence section 40 now, Government should partially commence section 40, and ask Parliament to repeal those elements that apply to publishers outside a recognised regulator

Response to Question 1:
The government should fully commence Section 40 now, in line with Lord Leveson’s recommendation and following cross-party agreement on the issue.

¹ Editor’s Code of Practice, Independent Press Standards Organisation
**Question 2:** Do you have evidence in support of your view, particularly in terms of the impacts on the press industry and claimants? If so, please provide evidence. (We are particularly interested in hearing from legal professionals - using their experience of litigation - in respect of the financial impacts on publishers outside a recognised self-regulator should government fully commence section 40, and specifically on (a) the likely change in volume of cases brought; and (b) the extent of average legal costs associated with bringing or defending individual cases).

**Response to Question 2:**

The media regulator with the greatest number of members, the Independent Press Standards Organisation (Ipso) set up to monitor adherence to the “highest professional standards” by print media through the Editor’s Code has enforced corrections in some cases but has not delivered on the expectations of Lord Leveson on press regulation in the following ways:

- **There are serious shortcomings with Ipso’s Editor’s Code:**
  - Clause 1 (accuracy): the Ipso Complaints Committee consider inaccuracy to not be a problem in some cases such as when the point is not “central to the argument”\(^3\), even if it encourages hostility.
  - Clause 12 (discrimination): there is no recourse when groups are discriminated against or abused (e.g. Ms Hopkins calling all migrants “cockroaches”) or when the press incites hatred against a group, despite Lord Leveson’s recommendation to the contrary.\(^4\)

- **There need to be appropriate deterrents.** Media outlets should not be able to get away with “clarifications” that do not admit wrongdoing without “due prominence”. For example, a significantly misleading front page headline needs to be corrected by an equally sized front page apology in good time, across all relevant media including social media, with financial penalties imposed where relevant.

- **Ipso needs to be willing to take action.** No public consultations or analyses have taken place on changing Clause 12 of the Editor’s Code despite assurances to the contrary. Furthermore, no investigation has been undertaken to determine whether there has been a systematic breach of the Code and thus no media outlet has been subject to a financial penalty.

- **Ipso is not truly independent.** For example, Paul Dacre, the Editor of the Daily Mail, was the Chairman of Ipso’s Editors’ Code Committee until his resignation and Trevor Kavanagh, the columnist and assistant editor at the Sun, is a member of the Ipso Board.\(^5\) This poses significant challenges such as when Mr Kavanagh publicly attacked one complainant to Ipso, potentially deterring future complainants and leading to MPs and peers writing to the Ipso chair questioning its independence.\(^6\)

Given the lack of movement in this regard, there need to be further incentives to move to a system of regulation where Lord Leveson’s recommendations, supported by cross-party agreement, can be enacted. The incentive proposed by Lord Leveson after his extensive inquiry, and supported by cross-party agreement was the implementation of Section 40, which we support given the choice it gives publications to join a regulator that abides by the basic standards set out by Lord Leveson, or be required to pay opponents’ legal costs on issues including libel, slander, breach of confidence, misuse of private information, malicious falsehood and harassment.

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*Editors’ Code of Practice, Ipso*
*DG528-16 Versus Mail Online, Ipso, August 2016*
*Recommendation 38 from Lord Leveson’s report*
*Board, Complaints Committee and staff, Ipso*
*MPS and peers question independence of press watchdog, Guardian, October 2016*
**Question 3:** To what extent will full commencement incentivise publishers to join a recognised self-regulator? Please supply evidence.

**Response to Question 3:**

The extent to which section 40 will, in and of itself, incentivise news publishers to join a recognised self-regulator, cannot be known. However, it is clear that a financial penalty is a significant incentive and is one that is considered to be the best means of maintaining the balance between an independent effective free press and the requirements of basic standards of reporting by Lord Leveson after his detailed inquiry. As a result, the best approach seems to be one of enacting policy based on expert evidence and cross-party support, with strong oversight and monitoring to ensure it achieves the objectives set out.

It is also likely that where there is provision of financial sanctions and such sanction is applied, this will attract adverse publicity for the publication in question, raising a fear of reputational damage. It is likely that such possibility will encourage greater adherence to the standards.

**Question 4:** Do you believe that the terms of reference of Part 2 of the Leveson Inquiry have already been covered by Part 1 and the criminal investigations? If not which terms do you think still require further investigation?

**Response to Question 4:**

No, it is clear from the Terms of Reference for Part 2 that none of the terms have yet been addressed. Trust in journalists or politicians is very low with less than a quarter of respondents to the IPSOS Mori’s Veracity Index generally trusting journalists or politicians to tell the truth.

Such a lack of trust is unlikely to be improved if the government breaks its promise to inquire into the failures of the past and propose recommendations to improve the status quo.

**Question 5:** Do you have evidence in support of your view? If so, please provide your evidence.

**Response to Question 5:**

It is clear from the Terms of Reference that none of these terms have yet been addressed.

**Question 6:** Which of the two options set out below best represents your views?

- Continue the Inquiry with either the original or amended terms of reference
- Terminate the Inquiry

If you think the government should take another course of action to those set out in the question above, please set out your views.

**Response to Question 6:**

We believe that Part 2 of the Leveson Inquiry should continue with the original terms of reference given cross-party agreement on the matter, promises given to victims of press abuse and given none of the terms have yet been addressed. If there are any changes to the terms of reference, they must be agreed with victims of press abuse so as to honour the government’s commitments.

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7 [Ipsos MORI Veracity Index](#), page 2
3. **Concluding remarks**

- Lord Leveson’s inquiry was clear in its recommendations to protect a free press whilst incentivising adherence to basic standards of journalism.

- Research by the University of Cambridge concluded that mainstream media reporting about Muslim communities is contributing to an atmosphere of rising hostility toward Muslims in Britain.\(^8\) Findings of an Islamophobia Roundtable in Stockholm two years ago showed that the regular association of Islam and Muslims with crime and terror in the media and on the internet is vital to the spread of Islamophobic rhetoric.\(^9\)

- The main current press regulator Ipso has failed to deter reporting that falls below the minimal standards expected (see Appendix for examples).

- A Leveson-compliant regulatory structure that provides a framework of minimal standards and an incentive to join (Section 40), that is therefore likely to more effectively deter journalism that falls below these minimal standards, and is one that the Muslim Council of Britain supports.

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\(^8\) University of Cambridge and Economic and Social Research Council [Roundtable](#) held at the House of Lords

Appendix – examples of poor reporting

- Reporting of Muslims in the national press within the past year shows how an environment of hate and hostility is created.¹⁰

- Examples of outright misleading articles that newspapers themselves have corrected or been forced to correct, given the significance of the inaccuracies involved, include:
  - “1 in 5 Brit Muslims’ sympathy for jihadis” (The Sun);¹¹
  - “Ramadan train driver in crash: Rail accident experts claimed his fast caused the rush-hour derailment that led to three days of disruption” (The Sun)*;¹²
  - “Isolated British Muslims are so cut off from the rest of society that they see the UK as 75 per cent Islamic, shock report reveals” (Mail on Sunday)*;¹³
  - “Welcome to east London: Muslim gang slashes tyres of immigration-raid van before officers showered with eggs from high rise” (Mail on Sunday)*;¹⁴ and
  - “UK mosques fundraising for terror” (Daily Star Sunday)*.¹⁵

Starred items have been corrected by newspapers following complaints made by an Assistant Secretary General of the Muslim Council of Britain.

- Parts of the press often conflate Muslims with criminality and violence. For example:
  - “Cut out and keep guide: Here’s what terrorists look like” (The Sun);¹⁶
  - “Muslim sex grooming” (The Times);¹⁷
  - “Mum-of-four butchered while caring for her young kids as cops probe Islamic honour killing lead” (Mail Online);¹⁸ and
  - “Imam beaten to death in sex grooming town” (The Times).¹⁹

- Sensationalism and scaremongering about the apparent threat posed by Muslims is also widespread. Just look at headlines such as:
  - “New £5 notes could be BANNED by religious groups as Bank CAN’T promise they’re Halal” (Daily Express)²⁰
  - “BBC puts Muslims before you” (Daily Star);²¹
  - “Halal secret of Pizza Express” (The Sun); and
  - “Muslim vote could decide 25 per cent of seats” (Daily Mail).

It is little wonder that according to reports, the British population believe that the current British Muslim population is 15%, over three times the reality²¹ and that more than half of Britons now regard Muslims as a threat to the UK.²²

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¹⁰ Article in Independent has further details
¹¹ Sun forced to admit ‘1 in 5 British Muslims’ story was ‘significantly misleading’, Independent, March 2016
¹² No, Train Driver didn’t crash because of Ramadan Fast. UK Sun Unpublishes, iMediaEthics, November 2016
¹³ Mail retracts claim “Brit Muslims think 75% of UK is Islamic” - so why do Times and Sun stand by it?, Political Scrapbook, December 2016
¹⁴ Mail on Sunday apologises for ‘Muslim gangs’ attack immigration van story, Guardian, September 2015
¹⁵ Daily Star Sunday censured over misleading headline on UK mosques, Guardian, April 2016
¹⁶ See Appendix for an image or here: after discussion, the Sun decided to take no action and refused to even acknowledge the concern. The matter is now with the press regulator Ipso
¹⁷ Muslim Council of Britain Writes to The Times Following Incendiary Headline, Muslim Council of Britain, March 2016
¹⁸ Mail Online breached Editors’ Code with inaccurate ‘Islamic honour killing’ headline, Press Gazette, July 2016
²⁰ New £5 notes could be BANNED by religious groups as Bank CAN’T promise they’re Halal, Daily Express, December 2016
²¹ Europeans greatly overestimate Muslim population, poll shows, Guardian, December 2016
²² 7/7 Bombings Anniversary Poll Shows More Than Half Of Britons See Muslims As A Threat, Huffington Post, July 2015
Images

**The Sun:** 19 August, 2016: Ramadan train driver in crash: Rail accident experts claimed his fast caused the rush-hour derailment that led to three days of disruption

**Mail on Sunday:** 4 December 2016: Isolated British Muslims are so cut off from the rest of society that they see the UK as 75 per cent Islamic, shock report reveals

**The Sun:** December 11, 2016: Cut out & Keep Guide: Here’s what terrorists look like
Daily Star Sunday: November 2015, UK Mosques give cash for terror (online: UK mosques fundraising for terror)