
‘HEADLINERS’, GB NEWS, 22 JANUARY 2025, 11PM

SUBMISSIONS TO OFCOM

1. This paper contains submissions for the Ofcom Executive in respect of the programme *Headliners* broadcast by GB News on 22 January 2025 at 11pm (***Headliners***).
2. These submissions are made by the Good Law Project (**GLP**) and are endorsed and supported by the following organisations:

Consortium of LGBT+ Voluntary and Community Organisations

Stonewall

TransActual

Trans Media Watch

Ofcom’s investigation

3. Ofcom has announced that it is investigating *Headliners* for breach of the Broadcasting Code (**the Code**). The investigation was listed in the Investigations List within Ofcom’s Bulletin 518 and confirmed in a press statement to the BBC¹.
4. We are aware of Ofcom’s decision to discontinue various investigations, including many concerning GB News programming, following judgment in a judicial review brought by GB News in respect of a different GB News programme, *Jacob Rees-Mogg’s State of the Nation*. We understand that the investigation into *Headliners* is unaffected by the outcome of the judicial review and remains active.

The material at issue

5. We summarise here the essence of our complaint about the *Headliners* programme.
6. The panel of newspaper reviewers – the presenter, Josh Howie, and two others – discussed a story about a bishop in the United States who in the course of a homily at a post-inauguration service had asked President Donald Trump to “*have mercy*” on marginalised communities. The programme showed some 30

¹ <https://www.bbc.co.uk/news/articles/cq6yje0zr0do>

seconds of Bishop Budde's sermon in which she drew attention to the vulnerabilities and fears of various vulnerable groups including gay and trans children and low paid immigrant workers.

7. The panel discussed Trump's public reaction to the sermon. At the end of that discussion Josh Howie, said:

"...the type of church that she belongs to, the diocese that talks about the 'full inclusion of LGBTQ+ persons' – I just want to say that includes paedos, if you're doing the full inclusion there..."

Reaction to the material at issue

8. Ofcom will know that soon after the broadcast of *Headliners*, GLP encouraged its supporters to make their objections to this appalling statement known to Ofcom. Howie's words conveyed a contention that was, on any view, grossly offensive and harmful. 71,851 complaints were registered with GLP and passed to Ofcom.
9. Nothing in the statement's presentation within the programme or any other contextualising fact could put in doubt complainants' understanding of what was said, how or why, or what the words' intention and effect were. In short, no complainant needed to have watched the programme on transmission or later to have an informed and valid objection to that statement. We address context further below.
10. In addition to the 71,851 complaints made via GLP, Ofcom received 1,347 other complaints. That figure alone is a massive adverse response to a programme – particularly one broadcast late at night on a news and current affairs channel.
11. We make these additional submissions in order to respond to Howie's fervent and appalling defence of the statement, which it is expected will form the basis of GB News's defence of the statement to Ofcom.

The dangerous falsity of Howie's statement

12. It is a longstanding, malignant falsehood that LGBTQ+ people are in some way linked to paedophilia. Whether such harmful and offensive nonsense is expressed (i) directly as being a sexual impulse towards children inherent in LGBTQ+ people, or (ii) as paedophiles being a formal or recognised sub-set of those within the LGBTQ+ community and embraced by anti-discrimination campaigns and societal inclusion initiatives of LGBTQ+ groups, it is a dangerous lie.
13. Both of these meanings are present in Howie's statement and so conveyed to viewers, either separately or in combination.

14. Taking (i) first, that this unpleasant myth persists is a matter of general knowledge. Even so, it has recently been the subject of judicial statement and condemnation. In *Blake v Fox* [2024] EWHC 146 (KB), a case in which the defendant Laurence Fox called the claimants Mr Blake and Mr Seymour, two gay men, paedophiles, Mrs Justice Collins Rice accepted evidence that:

[75] *“... one of the oldest, most pernicious and most stubbornly ineradicable falsities or myths of homophobia is that men whose sexuality is orientated to other men thereby exhibit a general ‘proclivity’ likely to comprehend a sexual orientation to children. The expression of both orientations was, of course, restricted by the criminal law as well as societal norms in this country until well within living memory. That persistent homophobic trope of equivalence, or at least connection, between being a gay man and being a likely paedophile was the petrol sodden reputational rag onto which Mr Fox’s incendiary tweets landed.”*²

15. Were it even needed to be said, therefore, there cannot be any doubt that this hateful prejudice towards homosexuals and its vilification of homosexuality as child-inclined predation is long-standing and, as the Judge accepted, pernicious. The repetition of this trope is all the more dangerous and all the more offensive for its age and persistence in the minds of some. The same malignant falsehood that others in the LGBTQ+ community, such as transgender people, are in some way linked to paedophilia is equally unjustified.
16. As to (ii), it is entirely false that any LGBTQ+ groups or movements include representation of paedophiles or include the rights and recognition of paedophiles as any aim or as part of any aim.
17. No recognised definitions of LGBTQ+ include paedophiles. The following formal definitions make that point definitively:
- GLAAD definition:
<https://glaad.org/reference/terms>
 - University of Oxford Medical Sciences Division definition:
<https://www.medsci.ox.ac.uk/study/medicine/harrassment-and-bullying/lgbtq>
 - Stonewall definition:
<https://www.stonewall.org.uk/resources/list-lgbtq-terms>
 - Human Rights Campaign definition:
<https://www.hrc.org/resources/glossary-of-terms>

² <https://www.judiciary.uk/wp-content/uploads/2024/04/Blake-v-Fox-Remedies-Judgment.pdf>

- Cambridge Dictionary definition:
<https://dictionary.cambridge.org/dictionary/english/lgbtq>
 - Hull University Teaching Hospitals definition:
<https://www.hull.nhs.uk/lgbtqia/lgbtqia-glossary/>
18. So far as bigots and mischief-makers might have sought to suggest that the LGBTQ+ movement includes or tolerates paedophiles, and there is little doubt that malicious trolls and others with malign agendas have done so online and elsewhere, this has been debunked many times. News organisations and others have fact-checked and researched the matter and rejected any such suggestion:
- Reuters:
<https://www.reuters.com/article/fact-check/the-progress-pride-flag-adds-representation-for-transgender-and-people-of-color-idUSL1N37S2DT/>
 - AFP:
<https://factcheck.afp.com/pride-flag-pedophiles-someone-created-one-no-on-e-waves-it>
 - Anti-Defamation League:
<https://www.adl.org/resources/article/what-grooming-truth-behind-dangerous-bigoted-lie-targeting-lgbtq-community>
 - USA Today:
<https://eu.usatoday.com/story/news/factcheck/2020/07/30/fact-check-lgbtq-community-rejects-false-association-pedophiles/5462805002/>
 - Snopes:
<https://www.snopes.com/articles/464807/minor-attracted-persons-flag/>
19. The suggestion, advanced by Howie since the broadcast, that since definitions of LGBTQ+ are open-ended, paedophiles are able and welcome to identify as falling within that term, is wholly untrue.
20. The LGBTQ+ organisations which endorse and support this letter abhor and reject any suggestion of a link between paedophiles and the LGBTQ+ community, or that the LGBTQ+ community is inclusive of paedophiles or any other form of criminal wrongdoing. Those who repeat this lie stir up hatred towards the LGBTQ+ community.
21. On the specific circumstances of Howie's statement, GLP has been unable to find any suggestion that Bishop Budde or the Episcopal Church believes that paedophiles fall within "*the full inclusion*" of LGBTQ+ persons.

The Broadcasting Code position

22. It is our view, and that of the 71,000 people who submitted complaints to Ofcom through GLP, that Howie's statement is blatantly homophobic and transphobic and was made with the intention and effect of promoting hate towards the LGBTQ+ community.
23. It follows that our submission is that the statement was both offensive and harmful.
24. The relevant provisions of the Code are therefore Rules 2.1 (provision of protection for audiences from harmful and/or offensive material), 2.3 (necessary justification for offensive content); and 3.2 (proscription of hate speech broadcast without justification).
25. We note that Ofcom's press comment – referred to at paragraph 3 above – says, "*We are investigating whether this programme broke our rule which requires that material which may cause offence must be justified by the context.*" This might be taken to mean that Ofcom is investigating *Headliners* only in respect of offence and only in respect of Rule 2.3 at that. If that is right, we strongly invite Ofcom to reconsider the standing under the Code of the material in question and to investigate it for offence under all the relevant offence rules and, importantly, also under the Code's provisions against hate speech.
26. We recognise that a statement to the press does not necessarily reflect in full the scope or substance of an investigation that Ofcom has in hand, but we nevertheless urge Ofcom to apply the Code to the fullest extent in the circumstances.

Hate speech

27. We note the definition of hate speech given in Section Three of the Code:

Meaning of "hate speech"

All forms of expression which spread, incite, promote or justify hatred based on intolerance on the grounds of disability, ethnicity, social origin, gender, sex, gender reassignment, nationality, race, religion or belief, sexual orientation, colour, genetic features, language, political or any other opinion, membership of a national minority, property, birth or age.

28. Generally, Ofcom highlights in its Guidance to Section Three that sexual orientation is a subject which can form a basis for hate speech:

"In the context of Rule 3.2, Ofcom consider examples of the types of issues that may form the basis of hate speech by one person or group against another to include, but are not limited to, disability, ethnicity,

gender, gender reassignment, nationality, race, religion, or sexual orientation.”

(Ofcom Guidance to Section Three, page 7)

29. Ofcom’s definition of hate speech pointedly includes “*all forms of expression*”, and rightly so.
30. It would be difficult, we suggest, to find a statement more likely to “*spread, incite, promote or justify hatred*” towards LGBTQ+ people – or any group that suffers prejudice – than one suggesting that they are likely to be paedophiles or are to be associated with paedophilia.
31. As we have set out above, this false allegation about the LGBTQ+ community draws on an enduring falsehood still alive in the imaginations of some.
32. Mindful of these matters, the presenter’s wilful – because, given the words used, ‘reasoned’ – combining of the LGBTQ+ community and paedophilia is a clear instance of hate speech and a significantly dangerous statement. The statement was neither ambiguous nor a slip, like a mispronunciation or unintentional eliding of words. It was a deliberate and calculated assertion linking LGBTQ+ with paedophilia.
33. Ofcom itself has had cause to comment on the particularly objectionable nature of this connection. In the course of recording a Code breach against the broadcaster SBN International Ofcom said:

“The language used by Jimmy Swaggart to describe gay people was highly offensive, referring to them, as “sex perverts”, homosexuality as “filth”, and a Gay Pride Event as “degenerate” and “obscene”. The degree of offence was heightened significantly by the fact that in describing “filth”, he grouped homosexuality with “paedophilia”, and “incest”.

(Bulletin 295)

34. And Ofcom said in a report concerning the radio service talkSPORT:

“We note the broadcaster’s immediate and appropriate action in suspending Mr Mendoza. We nevertheless are very concerned that the presenter chose to make such a remark. To connect homosexuality to paedophilia is highly offensive.”

(Bulletin 91)

35. With due respect to Ofcom’s decisions in these cases, in our submission, “*To connect homosexuality to paedophilia*” is also a matter of hate speech.

36. Neither of these two adjudications led to sanction. We address the issue of sanction in the present case later.
37. Rule 3.2 provides for contextual justification. The context of Howie's statement is discussed below, in relation to all three code rules we cite. But we say here that not only was there no ameliorating or mitigating context, the circumstances in which the statement was made added weight to its nature as hate speech.

Offence

38. There are numerous cases of homophobic speech that Ofcom has found in breach of the Code as offensive. The following is not exhaustive:
- Bulletin 91: talkSPORT
 - Bulletin 135: Ujima Radio
 - Bulletin 189: Ujima Radio
 - Bulletin 207: Radio Asian Fever
 - Bulletin 265: BRFM
 - Bulletin 295: SBN International
 - Bulletin 371: Vox Africa TV
 - Bulletin 383: Peace TV
39. It would seem self-evident that hateful attacks on LGBTQ+ groups are offensive. Certainly Ofcom's proper willingness to intervene against attacks on and derogatory treatment of LGBTQ+ people indicates that Ofcom regards such matter as unacceptable absent some strongly justifying context.
40. The examples we list above share the characteristic of being gratuitous attacks. Correlating LGBTQ+ and paedophilia is perhaps the best possible example of such an attack there can be.

The absence of context

41. We deal with this subject as a self-standing matter because of its relevance to both hate speech and offensiveness.
42. Rules 2.1 and 2.3 are joined by their requirements of the application of generally accepted standards. Rule 2.3 is in effect a rule subordinate to Rule 2.1. Rule 2.3 requires justification of otherwise offensive content by context. (As with paragraphs 27 and 28 above we note the inclusion in Rule 2.3 of sexual orientation and gender reassignment as particular matters for which Ofcom's licensees should be concerned to avoid offence.)

43. Likewise, Rule 3.2 requires that hate speech be avoided unless context can provide adequate justification.
44. The meanings given for context in relation to Section Two and Rules 3.2 and 3.3 differ, but they are sufficiently similar in aim and operation that they may be taken together.
45. *Headliners* is a current affairs discussion programme. It has no narrative of story, no characterisation, no notoriety as a work and offers no signal to its audience as to its specific content by its title. What is said in *Headliners* is either contextualised by other words or it is not.
46. In such circumstances challenge to a statement or its quick retraction are the most obvious, and probably the only, means by which offence or the promotion of hatred could be contextualised or diminished. *There was no challenge to Howie's words. There was no apology or retraction within the programme.* It must be very doubtful that an apology or retraction could in any event have sufficiently mitigated offence or lessened the impact of the hate speech.
47. The circumstances of *Headliners* are such that Howie's statement was made by the presenter – i.e. not by any guest or by any other contributor – as a statement of fact within factual, topical news-based programming. Those circumstances are ones in which mitigating context, absent challenge, cannot be present by reason of the genre or audience expectation generally. The context of *Headliners* was in fact to promote the effect of the hate speech and its attendant offensiveness.
48. In the aftermath of the programme Howie has sought to 'explain' and excuse his statement.
49. In posts on X and in GB News programming Howie has sought to exculpate himself. In accurate summary, his position is that: *Headliners* is a comedy show; the story was about the response of President Trump to a self-righteous sermon after "*he'd just taken action to protect women and children being harmed by gender ideology*"; the statement's humour derived from the church's (we presume he means this in a broad sense of 'the Christian church') history of molestation of children; the three persons in the studio have different social and political views; Howie acknowledged Bishop Budde's bravery; and that GLP's activity in drawing attention to the statement was misleading.
50. The last point above is significant enough that we reproduce his words from X:

"This is the most important point: notice how in the seven second clip that's making the rounds, they deliberately cut out that final...."If you're talking about the FULL inclusion." Because that makes clear that I'm talking about the + end of the scale. The point, my intent, the context,

are all much clearer with those words included. And a deliberate and conscious choice was made to cut them out because it didn't fit what they wanted to pretend I meant. As opposed to what I actually said.”³

51. GLP rejects this assertion very strongly. GLP demonstrated the repulsiveness and hostility of the statement with a video clip that contained the following underlined words:

“...the type of church that she belongs to, the diocese that talks about the ‘full inclusion of LGBTQ+ persons’ – I just want to say that includes paedos, if you’re doing the full inclusion there...”

52. Plainly, the words that come before those underlined are irrelevant to the meaning and impact of the statement as a whole; and those that follow merely recast the final words underlined. Indeed contrary to Howie’s attempt at absolving himself and GB News, the words “...if you’re doing the full inclusion there...” reinforce the obnoxious false message as repeating the lie that within LGBTQ+ “inclusion” are paedophiles’ rights and voices. The GLP extract *reduces* the effect of the statement.
53. It is sufficient to say that *Headliners* may or may not seek to include humour (the use of humour does not of itself turn a newspaper review into a comedy show), but its core is very obviously straightforward discussion of current news stories. The ‘comedy’ card fails. Moreover, and so far as it matters, since *Headliners* is not a comedy show and Howie’s statement was not delivered as a joke, comedy is as capable as any other genre of breaching the Code’s rules on hate speech and offence, depending on the detail. The statement had no satirical intent or effect, the delivery was not tongue-in-cheek, sarcastic or playful, and no ‘humour’ opposing the statement was present. Further, Howie has since sought to explain the alleged ‘truth’ of his comment, undermining the suggestion by Howie that his comment was not to be taken seriously.
54. It is not possible to understand how the other points prayed in aid by Howie could provide any context or make any difference.
55. A discussion of the incident was broadcast on GB News on 9 February 2025 in the programme *Free Speech Nation*. In that programme, which included a dissenting voice, Howie apologised to anyone who he says “misunderstood” him to have suggested a link between the LGBT community (as opposed to the *LGBTQ+* community) and paedophiles, despite his statement having clearly drawn that link, but continued to defend the alleged ‘facts’ behind his statement. The programme was broadcast two-and-a-half weeks after Howie’s hateful comment, over a week after Byline Times first reported on Howie’s

³ <https://x.com/joshxhowie/status/1888724534108344462>

comment⁴, and only after 50,000 people had submitted Ofcom complaints to GLP.

56. Howie has offered nothing that might provide any sort of post hoc justification.
57. Generally and in any event, later comment by Howie or anyone else on GB News or in any other medium cannot operate as context for the Code's purposes in these circumstances.
58. GB News may have been entitled to broadcast a debate about its presenter's concerns about the term LGBTQ+; it cannot be allowed to baldly and falsely assert that LGBTQ+ persons "*includes paedos, if you're doing the full inclusion there*".

Sanction

59. It is our view that Ofcom should find breaches of Rules 2.1, 2.3 and 3.2 of the Code and move to consider sanction against GB News.
60. We recognise that the imposition of sanction on a broadcaster is a serious matter and that Ofcom will only, "*...following due process, impose a sanction if it considers that a broadcaster has seriously, deliberately, repeatedly or recklessly breached a relevant requirement.*"⁵
61. In respect of repetition, GB News's compliance record is very poor indeed. Since launch in June 2021 the channel has attracted seven Code breaches, including one for harm and one for offence. The breaches have been qualitatively serious each time. Eight further investigations have been discontinued, the bulk following GB News's judicial review – in other words eight further occasions have arisen in which Ofcom has believed there to be grounds to investigate Code breach, but these have been abandoned for reasons other than content or the licensee's argument.
62. GB News has been sanctioned. In November 2024 it was required to pay a substantial penalty of £100,000 and directed to broadcast a statement of Ofcom's findings.
63. By way of simple comparison, over the same period Sky News has been found in breach once, under Rule 6.11 (elections and referendums). No sanction has ever been imposed on Sky News.

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<https://bylinetimes.com/2025/01/31/gb-news-ofcom-complaints-guest-boycott-hosts-label-lgbt-people-paedos-and-deviants/>.

⁵ Ofcom *Procedures for the consideration of statutory sanctions in breaches of broadcast licences*, paragraph 1.13.

A footnote to that paragraph makes clear that "A repeated breach of a relevant requirement, would include, for example: a repeat of the breach of the same requirement as has already been recorded; repetition of the same or similar conduct as that which earlier contravened a requirement; or multiple breaches of other requirements."

64. The seriousness of the statement's breach we comment on above.
65. We observed at paragraph 38 above that the two serious breaches of the Code we highlighted in the context of homophobia did not attract sanction. We are surprised at this but recognise that the facts of a breach will differ each time and that at least in the case of SBN International the broadcaster was an American fundamentalist religious service carrying the rantings of a well-known, and subsequently disgraced, bigot. That does not for a moment excuse the broadcast of the ugly and harmful content, but we infer that these facts led Ofcom to stop at the point of public censure.
66. GB News is altogether different. It is a well-known UK news and current affairs channel. Press reports suggest that its audience is substantial. It is available on Freeview, satellite, cable and other platforms. Very well known figures host and appear on the service. Senior ministers and shadow ministers appear regularly. GB News wishes to be, and is, taken seriously as a provider of news and comment.
67. Ofcom has imposed some 16 sanctions for, or including, breach of Rule 3.2. It has imposed many more for, or including, breach of Rules 2.1 and 2.3.
68. One of the sanctions applied for the broadcast of hate speech was that for Peace TV's programme *The Valley of the Homosexuals*. We do not draw an equivalence between that programming and Howie's statement, but we do make the point that a specialist religious service with limited broadcast carriage and a relatively tiny audience has been penalised for hate speech relating to the same subject matter as GB News's latest infraction.
69. In the face of these matters it is in our view appropriate that GB News should be subject to sanction consideration.

Conclusion

70. We invite Ofcom to record breaches of Rules 2.1, 2.3 and 3.2 of the Code and to place GB News into the sanctions process.

Good Law Project

Consortium of LGBT+ Voluntary and Community Organisations

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16 May 2025