

Policy Briefing on Charity Regulation and Antisemitic Disinformation

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Why This Briefing Matters

In the wake of the October 7 massacre, the UK has experienced an unprecedented rise in antisemitic incidents. Over 4,000 antisemitic events were recorded in 2023 alone, with a large number linked to the circulation of false and inflammatory narratives online. The dissemination of disinformation—particularly that which misrepresents the conflict in Israel and Gaza—has played a direct role in fuelling hate crimes, school-based harassment, and the radicalisation of public discourse.

What makes this trend more alarming is the involvement of registered UK charities—organisations that benefit from public trust, tax exemptions, and regulatory protections. Some of these charities have disseminated or failed to correct demonstrably false and incendiary content. One such case involves the CEO of *Hope Not Hate*, who publicly shared a debunked claim that “14,000 babies in Gaza would die within 48 hours”—a figure later retracted by its original UN source. Despite widespread corrections, the claim remained accessible online, feeding antisemitic conspiracy theories at a time of heightened threat to Jewish communities across the UK.

This policy briefing, co-published by *We Believe In Israel* and *Stop The Hate UK*, sets out a clear, urgent case for reform. Current Charity Commission guidance does not explicitly address “disinformation” or provide trustees with adequate tools to assess when false or defamatory public statements amount to misconduct or mismanagement. This regulatory vacuum weakens the Commission’s ability to act against hate speech masked as humanitarian advocacy.

Our Call to Action

We are calling on the Charity Commission and relevant policymakers to implement a set of targeted amendments to close this gap and reaffirm the principle that charitable status is a privilege—not a licence to incite.

Key recommendations include:

- Introducing a formal definition of disinformation and incorporating it into regulatory guidance;
- Amending CC9 to categorise the knowing dissemination of false, inflammatory claims—especially those targeting Jews or Israelis—as serious misconduct;
- Making it mandatory for trustees to report serious incidents involving disinformation or hate-inciting content;
- Strengthening enforcement powers and transparency in cases where charities fail to uphold standards of truthfulness and neutrality.

If left unaddressed, the misuse of charitable platforms to spread disinformation and promote antisemitism risks entrenching a culture of impunity. This briefing outlines a constructive path forward—ensuring that charity law evolves to meet the challenges of

the digital age and reasserts the foundational values of public trust, integrity, and social cohesion.

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Executive Summary

Recent data from the Community Security Trust (CST) and UK parliamentary committees reveal a dramatic escalation in antisemitic incidents since the onset of the Gaza conflict in October 2023. According to CST's 2024 report, the UK experienced over 4,000 recorded antisemitic incidents in the year following the October 7 Hamas attack—making it the worst year on record.¹ These ranged from physical assaults and property damage to online abuse and school-based harassment. Notably, a large proportion of these incidents coincided with periods of heightened misinformation online about the conflict, suggesting a strong correlation between digital disinformation and real-world hate crimes.

Among the actors implicated in the diffusion of misleading or inflammatory claims are UK-registered charities—entities that benefit from significant public trust, tax advantages, and regulatory protections. Some charities, particularly those engaged in advocacy or campaigning, have either directly circulated or tacitly endorsed discredited claims. One prominent case involves the anti-racism charity *Hope Not Hate*, whose Chief Executive amplified a claim—later retracted by its original UN source—that 14,000 babies in Gaza would die within 48 hours if aid were not delivered.² This statement, widely shared on social media during a volatile period, was subsequently identified by multiple media fact-checkers as inaccurate and lacking evidentiary basis. The claim remained accessible on public platforms despite retraction, fuelling accusations that such disinformation exacerbates antisemitic narratives and undermines social cohesion.

Under the Charities Act 2011, UK charities are legally bound to operate *exclusively* for charitable purposes and must demonstrate that their activities are for the *public benefit*.³ This means that any engagement in campaigning, advocacy, or educational activities must advance the organisation's charitable objectives in a neutral, evidence-based manner. Moreover, charities must not pursue *primarily political purposes*, nor may they breach UK laws against defamation (Defamation Act 2013) or incitement to hatred (Public Order Act 1986). The Charity Commission's own guidance reiterates that charities must ensure all public communications, including those on digital platforms, are lawful, accurate, and do not endanger their reputation or the safety of the communities they serve.⁴

¹ Community Security Trust. *Antisemitic Incidents Report 2023*. London: CST, 2024. https://cst.org.uk/data/file/9/f/Antisemitic_Incidents_Report_2023.1707834969.pdf.

² Erez Linn, "BBC, UN Admit Misleading in '14,000 Gaza Babies' Claim," *Israel Hayom*, May 21, 2025, <https://www.israelhayom.com/2025/05/21/bbc-un-admit-misleading-in-14000-gaza-babies-claim/>.

³ Charities Act 2011, c. 25, § 1(1), Legislation.gov.uk, <https://www.legislation.gov.uk/ukpga/2011/25/section/1>.

⁴ Charity Commission for England and Wales, *Campaigning and Political Activity Guidance for Charities* (CC9), GOV.UK, November 7, 2022, <https://www.gov.uk/government/publications/speaking-out-guidance-on-campaigning-and-political-activity-by-charities-cc9>.

Yet, the regulatory framework governing these duties remains insufficiently developed in key areas. Crucially, “disinformation” and “fake news” are not explicitly addressed in the Commission’s guidance documents, including those on political campaigning (CC9) and extremism risk management. While the guidance states that charities must be “factually accurate” and operate within the law, there is no clear directive outlining when the dissemination of false or misleading content—particularly content that incites hostility against racial or religious groups—constitutes *misconduct or mismanagement*. As a result, trustees are left without concrete benchmarks to assess when a false statement, shared in error or with disregard for its truthfulness, breaches their legal obligations.

This regulatory ambiguity creates a significant enforcement gap, especially in an era where digital content can rapidly amplify fringe narratives into mainstream discourse. The absence of defined criteria for when disinformation escalates to regulatory concern weakens the Commission’s capacity to act preemptively. Moreover, it emboldens fringe actors to exploit the legitimacy of charitable status while propagating inflammatory or prejudicial content under the cover of humanitarian or political advocacy.

This situation undermines not only public trust in the charity sector but also broader societal efforts to combat hate speech and protect marginalised communities. If left unaddressed, this lacuna in regulation risks normalising the weaponisation of charity platforms for ideological agendas—fuelled by disinformation and often targeting Jewish communities under the guise of anti-Zionist or pro-Palestinian advocacy. The result is a dangerous erosion of the core values that charitable status is intended to uphold: neutrality, truthfulness, and the promotion of genuine public benefit.

Key findings and proposals:

Charity duties: The Charity Commission’s rules require that any campaigning content by a charity be lawful, factually accurate and evidence-based. Charities must comply with laws prohibiting hate speech or defamation. Content that incites violence or hatred against Jews or Israelis violates these duties.⁵

Case study – Hope Not Hate: As recently highlighted by campaigners, Hope Not Hate’s CEO shared a widely debunked Gaza-related claim on social media. This example underscores how even well-known charities can blur the line between advocacy and misinformation, undermining public trust and possibly breaching charity duties to avoid harm.

Regulatory precedent: The Charity Commission’s reluctance to intervene in politically sensitive matters has revealed a troubling inconsistency in regulatory enforcement. A prominent example is the four-year investigation into the Campaign Against Antisemitism (CAA), which concluded without any formal action taken. Legal experts have affirmed that combatting antisemitism is an unquestionably legitimate charitable

⁵ Charity Commission for England and Wales, *Speaking Out: Guidance on Campaigning and Political Activity by Charities* (CC9), GOV.UK, November 7, 2022, <https://www.gov.uk/government/publications/speaking-out-guidance-on-campaigning-and-political-activity-by-charities-cc9/speaking-out-guidance-on-campaigning-and-political-activity-by-charities>.

purpose. However, they also note that charities entering the domain of Israel–Palestine advocacy are often scrutinised under the lens of political partisanship—a standard applied unevenly across the sector.

This inconsistency points to a clear double standard. While some charities openly aligned with anti-Israel activism continue to operate without challenge, CAA—a group focused on confronting antisemitism—was subjected to prolonged scrutiny and vilification. That the Commission closed the case without action not only underscores the weakness of the original allegations but also reveals how regulatory mechanisms can be influenced or exploited by politically motivated actors.

The CAA case should serve as a cautionary tale: when charities defending Jewish communities are held to a higher standard than those promoting inflammatory, politicised narratives, the credibility of the regulatory framework is brought into question. It is not merely a failure of oversight—it is evidence of a system where bias, whether intentional or not, is allowed to distort the application of the law.

International comparison: Other democracies have begun to confront the role of charities in spreading disinformation. In Canada, a Senate committee recently recommended revoking charity status for organisations promoting “misinformation and/or disinformation” on issues like seal hunting (a proposal that has generated controversy). Germany strictly bans hate speech and Holocaust denial under criminal law, and could dissolve organisations that espouse extremism. By contrast, U.S. law strongly protects free speech, meaning charities there face fewer content-based restrictions (aside from general hate and libel laws).⁶

Gaps identified: The Charity Commission’s guidance (e.g. its “Speaking Out” guidance) acknowledges that campaigning must be factually accurate, but does not define when a charity’s online speech crosses into misconduct. Hate/incitement is covered under extremism guidance, but “fake news” is not addressed by name. The serious-incident reporting regime likewise omits any reference to disinformation. Trustees currently lack clarity on when a false or inflammatory post should be treated as a reportable breach.⁷

Recommendations: We urge the Charity Commission to issue clear new guidance explicitly treating malicious disinformation and racially inflammatory content as potential charity misconduct. This should include:

⁶ Senate of Canada, *Sealing the Future: A Call to Action*, Standing Senate Committee on Fisheries and Oceans, May 23, 2024, https://sencanada.ca/content/sen/committee/441/POFO/Reports/2024-05-23_POFO_SS-3_Report_Final_e.pdf.

⁷ Charity Commission for England and Wales, *Speaking Out: Guidance on Campaigning and Political Activity by Charities* (CC9), GOV.UK, November 7, 2022, <https://www.gov.uk/government/publications/speaking-out-guidance-on-campaigning-and-political-activity-by-charities>.

- **Definitional clarity:** Define “disinformation” or “fake news” in guidance (at least as it pertains to charities), and state that knowingly publishing false claims targeting protected groups is misconduct.
- **Guidance amendments:** Amend the campaigning/political guidance (CC9) to reinforce that trustees must ensure all public statements are accurate and lawful, adding that “material which spreads demonstrably false, harmful information – especially about Jews, Israel, or other protected categories – will be treated as mismanagement” (building on the existing requirement for factual accuracy). Similarly, update extremism guidance to note that false “blood libel”-type narratives are not permissible under charity status.
- **Reporting requirements:** Encourage trustees to treat major instances of disinformation as serious incidents. For example, revise the serious-incident guidance to list “knowingly circulating or failing to correct false statements that incite hatred or threaten public safety” as reportable events.
- **Enforcement thresholds:** Set clear criteria for action: for instance, multiple credible complaints or high-profile media attention around a charity’s false claims should trigger a Commission review. Lesser breaches could earn warnings or mandatory retraining; repeated or egregious abuses (especially incitement to violence) should risk charity suspension or deregistration under Section 28 of the Charities Act 2011.
- **Sample amendment language:** For example, the Commission could add to CC9: *“Charities must not knowingly disseminate or fail to correct information that is proven false. In particular, content that scapegoats or endangers a religious or racial group – by spreading discredited ‘news’ stories or conspiracy theories – undermines a charity’s public benefit and will be considered serious misconduct.”*

By closing these gaps, the Charity Commission would bolster public trust and ensure that charities remain instruments of public good – not vehicles for ideologically driven misinformation or hate.

Context and Problem Statement

The UK has witnessed a notable surge in antisemitic incidents coinciding with the Gaza conflict. The Community Security Trust, which monitors antisemitism, recorded 4,000+ incidents in 2023 – more than double the figure in 2021. Research finds that *“hate speech and hate crimes against Jews are fuelled by disinformation and conspiracy theories”* (longstanding tropes that have resurfaced around Middle East events). Social media and online platforms have circulated false or exaggerated claims (e.g. about civilian casualties or crimes) that stoke fear and anger. Such disinformation not only distorts facts; it “can cause significant harm... spread fear and create hate” in communities.

Charities play a special role in public discourse: they enjoy tax benefits and public trust, and their statements can shape public opinion. In the current climate, several UK-registered charities active on Middle East issues have drawn scrutiny. Some campaigners argue that these charities have amplified narratives that unfairly blame

Jewish communities or Israel for Gaza's plight. For example, it was recently reported that Nick Lowles, Chief Executive of the anti-racism charity Hope Not Hate, shared on social media a UN-derived warning that "*14,000 babies will die in Gaza in 48 hours without aid*". That claim was later retracted by the UN and debunked in the media. Critics label such repeated claims (despite retractions) as "dangerous disinformation" in a context of rising UK antisemitism.⁸

While charities certainly can and do criticize foreign governments (and some have genuine humanitarian concerns), the concern is that unverified or false statements by charities – especially those implying Jewish people or Israel are committing atrocities – may incite hatred or violence. In the Gaza conflict, this rhetoric has correlated with attacks on UK synagogues and harassment of Jewish individuals. Against this backdrop, the We Believe In Israel campaign calls on regulators to ensure that charitable status is not used to shield hateful propaganda. Our analysis finds that the Charity Commission's current framework lacks clear rules to address these scenarios.

Legal and Regulatory Background

Charitable purposes and public benefit. Under the Charities Act 2011, a charity must have exclusively *charitable purposes* (such as relieving poverty or advancing religion/education) and operate for the *public benefit*. Critically, an organisation is **not** charitable if its purposes are political. Charities can campaign for policy changes only insofar as those changes advance their charitable aims, and they may not become vehicles for party politics or the personal views of trustees. In practice this means trustees must ensure any public statements serve their charity's mission and do not stray into partisan propaganda.

Campaigning, truth and evidence. The Charity Commission's "*Speaking Out*" guidance (CC9) explicitly states that while charities may undertake political or campaign activities, such activities "must comply with charity law, and other civil and criminal laws". Importantly, CC9 mandates that campaigning material "must be factually accurate and have a legitimate evidence base". In other words, charities should use truth and evidence in persuasive messaging, not half-truths or falsehoods. Deliberately publishing false information would thus conflict with trustees' duty to act lawfully and in the charity's best interest.

Neutrality and non-discrimination. Charity law also implicitly demands neutrality on certain issues: trustees should not exploit charity status to further controversial ideological agendas. The Commission advises that charities should ensure any involvement with political causes is balanced and always aligned with their core purpose. Additionally, all charities must obey equality and criminal law. The Commission's guidance on extremism underscores that "All charities must comply with UK law and so must not support terrorism or other illegal conduct, such as hatred on the

⁸ "UN, BBC Walk Back Dramatic Gaza Infant Death Toll Claim," *New York Post*, May 22, 2025, <https://nypost.com/2025/05/22/world-news/un-bbc-walk-back-dramatic-gaza-infant-death-toll-claim/>.

grounds of race, religion or sexual orientation". A charity's name, funds or communications may never be used to promote extremist or bigoted views.

In regulatory practice, the Commission holds that free speech for charities is important but not absolute. In a 2018 policy statement, the Commission emphasised that charities should build social cohesion and tolerance. It noted trustees must balance open debate with *"the duty to put the charity's best interests first and limit the undue risk of harm"*. Charities are reminded that any event or publication must not breach criminal law, equality law or defamation law. In concrete terms, a trustees' duty is violated if a charity knowingly publishes defamatory lies or incitement. For example, under UK law the Public Order Act 1986 makes it an offence to incite hatred on racial or religious grounds, and the Defamation Act 2013 makes it a tort to publish false statements causing serious harm to someone's reputation. Charities are not exempt from these laws. The Commission explicitly warns charities they *"should ensure their charity doesn't breach... equality law or defamation"*.

"Fake news", hate speech and libel. The term "fake news" has no precise legal meaning, but it generally denotes deliberate misinformation. When a charity disseminates false claims about individuals or groups, it risks legal consequences. If those claims defame a person or organisation, they may trigger a libel action (unless the charity can prove truth). If the claims are aimed at a protected group (e.g. religious or ethnic), they may breach hate-speech laws. Under current UK law, knowingly publishing false, inflammatory content about Jews (for instance) could fall under the hate-incitement provisions of the Public Order Act or the Malicious Communications Act. Even if not prosecuted, such conduct would clearly conflict with a charity's duty of loyalty and public benefit.

In sum, existing charity law and guidance requires trustees to ensure that public-facing communications are lawful, accurate and non-discriminatory. Yet, it does not explicitly describe how "misinformation" or "disinformation" factor into charity compliance. The Commission expects charities to follow general legal standards on hate and libel, but guidance on charity-specific misconduct (mismanagement) remains silent on disinformation. This gap has become more salient as online speech by charities is drawn into contentious political debates.

Case Studies

Hope Not Hate

Hope Not Hate (HNH) is a prominent UK charity campaigning against racism and extremism. In May 2025, HNH's chief executive Nick Lowles made headlines by reposting on social media a statistic originally attributed to a UN official: "14,000 babies in Gaza could die in the next 48 hours without aid." This figure had appeared in media reports but was rapidly questioned by journalists and humanitarian agencies as a mistranslation or misinterpretation of aid needs. The UN later clarified the statement's context, effectively retracting the specific "14,000 babies" claim. Mr. Lowles' continued

sharing of this claim after it was debunked drew criticism from commentators who warned it constituted disinformation.

This incident highlights the tension between urgent advocacy and factual accuracy. On one hand, HNH's mission is to highlight human rights abuses and to press governments to act; emotional appeals can mobilize public support. On the other hand, repeating a proven false claim (even if initially from a credible source) risks undermining the charity's credibility and could inflame antisemitism. Critics argue that linking Gaza's civilian suffering to alleged Israeli "policy" of starvation echoes historic blood-libel tropes against Jews. If a charity leader of HNH's stature propagates such a claim, even inadvertently, it may erode public trust and potentially incite prejudice.

From a regulatory standpoint, if a charity knowingly or recklessly disseminates falsehoods about a racial or religious group, it arguably violates its duties. HNH's situation illustrates why campaigners demand "clear guidance on how fake news... qualifies as misconduct". The Charity Commission's CC9 guidance insists material must be factual; thus, once a statement is discredited, failing to correct it could be seen as negligent. If the content targets Jews or Israelis in a way that stokes hatred, it also implicates the duty to obey hate laws. To date, there has been no public Commission action regarding this incident, but it underscores the ambiguous boundary: at what point does offensive or inaccurate political speech by a charity cross into regulatory grounds for intervention?

While the *Hope Not Hate* case remains among the more prominent examples of disinformation propagated by a UK charity, it is far from an isolated instance of controversy involving charitable organisations engaged in politicised advocacy. Despite repeated challenges from campaigners and members of Parliament, the Charity Commission has consistently hesitated to act in response to such cases—particularly when the issues intersect with the Israel–Palestine conflict.

A notable example is the long-running criticism directed at the Islamic Human Rights Commission (IHRC), a registered UK charity that has, over many years, platformed speakers known for extremist views, praised convicted terrorists, and repeatedly equated Zionism with racism and genocide. The IHRC has hosted *Al-Quds Day* rallies in London—events that often include the display of Hezbollah flags (a proscribed terrorist entity) and the dissemination of virulently anti-Israel and antisemitic rhetoric. These activities have been the subject of public concern and formal complaints submitted to the Commission, including by CST and other Jewish communal bodies. Nonetheless, the Commission has not opened any formal statutory inquiry into IHRC or taken enforcement action. This continued inaction, despite what appears to be a sustained pattern of inflammatory and sectarian activity, has raised questions about the regulator's threshold for intervention.

By contrast, in 2020, the Campaign Against Antisemitism (CAA)—a charity focused on countering antisemitism in the UK—became the target of a politically motivated complaint submitted by Jewish Voice for Labour (JVL). The complaint alleged that CAA had breached charity rules by engaging in political campaigning, particularly in relation

to statements made on Israel-related issues. After a prolonged investigation, the Charity Commission closed the case in 2024 without taking action. The complaint was dismissed on procedural grounds, including the fact that the complainant was not a party directly affected by the charity's activities. The Commission refrained from adjudicating on the broader political issues raised. Legal commentators and campaigners saw this decision as a tacit recognition that CAA's activities remained within the scope of its charitable mission.

These two cases—one involving a charity repeatedly associated with extremist messaging, and another involving a charity combating antisemitism—highlight a fundamental imbalance in how regulatory scrutiny is applied. Organisations defending Jewish communities appear to face a higher threshold for regulatory tolerance than those promoting hostile or inflammatory anti-Israel narratives.

What emerges is a pattern: while the Charity Commission possesses statutory authority under the Charities Act 2011 to deregister or sanction charities for serious misconduct or mismanagement, it has rarely used these powers in response to politically charged speech or reputational harm caused by false information. The Commission's enforcement toolkit is generally reserved for cases involving fraud, terrorist financing, or governance breakdowns. There is no clear precedent of a UK charity facing formal sanction solely on the grounds of disseminating disinformation or inciting racial or religious animus through political messaging.

This regulatory inertia contrasts with international norms. In the United States, for example, free speech protections are robust under the First Amendment, as demonstrated in cases such as *NAACP v. Alabama* (1958). However, even in that context, charities must still comply with hate speech and defamation laws. Meanwhile, Germany and Canada have pursued firmer legislative frameworks allowing for the investigation or suspension of charities implicated in propagating hate or falsehoods—particularly where there is a nexus to protected groups.

In the UK, charity status remains a public privilege, not a right. Yet the lack of clear enforcement action in cases involving hate-fuelled narratives or deliberate disinformation—especially when directed at Jewish communities—undermines public confidence in the system's neutrality. The failure to act consistently not only permits the misuse of charitable platforms but creates a precedent in which double standards are both visible and operational.

Comparative International Approaches

Different democracies have taken varied approaches to controlling hate speech and misinformation in the nonprofit sector.

Germany: German law is particularly strict on hate speech and Holocaust denial. Section 130 of the Criminal Code makes *“incitement of hatred or insults against segments of the population”* a crime. Public denial of the Holocaust or display of Nazi symbols is explicitly outlawed. While German charities (Vereine) generally have wide

freedom to pursue social causes, any organisation found to promote unconstitutional ideologies can be banned under the Vereinsgesetz. There is no charity-specific free-speech exception. Social media platforms are also legally compelled to remove hate content quickly. In practice, a German charity that disseminated antisemitic propaganda would likely face legal prosecution or dissolution.

Canada: Canada criminalizes hate propaganda (Criminal Code, ss. 318–319) but also strongly protects expression under its Charter. Notably, a 2024 Senate committee report on seal hunting controversially recommended revoking the tax-exempt status of charities that produce “misinformation and/or disinformation” on that issue. Although targeted at a specific context, the recommendation reflects growing Canadian concern about “fake news” in civil society. It would have added a novel ground for deregistration: output of false information harmful to an industry. Legal analysts criticized this as overreach that could politicize charity regulation. Nonetheless, it shows that Canadian policymakers are considering quasi-judicial tools (similar to the Commission’s powers) to discipline charity speech, at least in niche contexts.

United States: In the U.S., by contrast, charities (501(c)(3) organizations) enjoy robust First Amendment protections. They must refrain from partisan campaigning by candidates, but they are generally free to speak on issues and even lobby within limits. There is no practice of revoking tax exemption simply for “misinformation”. Hate speech is largely protected unless it directly incites imminent lawless action (per *Brandenburg v. Ohio*). U.S. charities can and do engage in controversial advocacy (e.g. religious or ideological themes) without fear of losing status, so long as they obey criminal and electoral laws. In short, the U.S. model emphasizes minimal content regulation (absent explicit threats or defamation), in contrast to the preventive approach seen in Canada or Germany.

Others (briefly): Australia’s charities regulator has no specific policy on disinformation, but its Equality Act bans incitement of racial hatred. New Zealand reviewed its charities law in 2019 and considered making misinformation a basis for deregistration, but ultimately focused on misuse of funds (not content). These examples show that outside the UK, many governments rely on general criminal laws against hate (rather than charity law) to police speech, or else are only now debating whether charities should have additional speech-related obligations.

Overall, the UK sits between these models. Like Germany and Canada, UK law bans hate propaganda and could sanction offenders; like the U.S., it generally values free discourse. The key question is whether charity law (distinct from criminal law) should be used more actively to curb disinformation or hate speech by charities. Other democracies have begun to discuss this issue (e.g. Canada’s Senate proposal), suggesting the UK is not alone in grappling with charities and “fake news.”

Gaps in the Current Framework

Our analysis identifies several shortcomings in how UK charity law currently addresses disinformation and hate speech:

No explicit guidance on disinformation: The Charity Commission's published guidance (including CC9 and extremism toolkits) does not mention "fake news", "disinformation" or "misinformation" at all. Trustees are told to be accurate and not to break the law, but there is no clear statement on disciplinary consequences for spreading falsehoods. In practice, a trustee might interpret these duties in many ways.

Unclear misconduct threshold: What qualifies as charity "misconduct" under the Charities Act is vague. Misconduct is typically understood to mean serious breaches of duty (fraud, theft, gross mismanagement). It is not well-defined whether repeated false statements or hateful rhetoric meet this bar. Unlike financial fraud, which is concrete, ill effects of speech (e.g. polarisation or reputational harm) are harder to quantify. Neither legislation nor guidance specifies when free expression becomes flagrant enough to justify intervention.

Guidance is outdated or indirect: The Commission's extremist content guidance emphasizes preventing terrorism and hate propaganda, but it is aimed at charities who *host* speakers or distribute literature. It advises trustees on managing risks of invited guest speakers. It does not clearly address the reverse situation: a charity itself *producing* questionable content online. Similarly, CC9 mentions accuracy but in the context of campaigning strategy, not in the digital/social-media era where disinformation spreads rapidly.

Lack of proactive enforcement: As seen in the CAA case, the Commission has shown reluctance to act on political speech complaints. The long delay and eventual inaction may signal that the bar for removing a charity remains very high. Without explicit standards, the Commission may be hesitant to intervene for fear of infringing free expression or becoming entangled in politics.

Reporting is voluntary and opaque: Charity trustees are required to report "serious incidents", defined mainly in terms of financial harm, legal liability, or reputational damage. The guidance does not list misinformation or hate speech as examples of serious incidents, leaving it to trustees' judgement. The NCVO advises charities that they "*may need to report*" significant misinformation as a serious incident, but this is not Commission instruction. In other words, there is no mandatory trigger, so in practice charities rarely inform the Commission about public controversies, unless they generate legal action.

Enforcement tools limited: Even if the Commission finds a charity in breach, its actions are limited. For minor breaches it can issue admonitions; for serious misconduct it can suspend or remove trustees, or in extreme cases strike a charity off the register. But without a clear linkage between disinformation and the statutory grounds

(misconduct/mismanagement), it is uncertain whether the Commission would reach for these powers in a hate/disinfo case. This uncertainty undermines deterrence.

Taken together, these gaps mean that the accountability of charities for false or hateful content relies largely on self-regulation and public pressure, rather than clear regulatory standards. This contrasts with other regulatory areas (money laundering, safeguarding, etc.) where charities receive specific guidance. The ombudsman thus has little formal groundwork to act upon when confronted with a charity accused of spreading “fake news” about Israel/Palestine.

Policy Recommendations

To address these issues, we propose that the Charity Commission and policymakers take concrete steps to clarify and strengthen regulation of disinformation and hate speech in the charity sector. The following recommendations outline reforms to guidance, enforcement thresholds, and statutory language:

Issue explicit guidance on disinformation

- **Define “disinformation” and its relevance.** The Commission should define (in guidance) disinformation or “fake news” as verifiably false or misleading content spread deliberately or with reckless disregard for truth. Charities should be reminded that spreading such disinformation – especially when it involves racial or religious communities – can undermine their public benefit and may violate law.
- **Affirm factual accuracy duty.** Building on CC9’s line that campaigning must be “*factually accurate*”, add clear examples. For instance: “*Charity trustees must not knowingly use or circulate discredited claims or conspiracy theories. Any public statement by the charity should be supported by reliable evidence or sourced from reputable authorities. Failure to correct known false information will be treated as a serious breach of duty.*”
- **Cite hate and defamation laws.** Guidance should cross-reference applicable laws: for example, “*Disseminating content that amounts to incitement of racial or religious hatred is illegal (Public Order Act 1986), and charities must not be complicit in such acts. Likewise, publishing defamatory false statements can expose the charity to legal action.*” This makes clear that trustees cannot hide behind free speech.
- **Update extremism toolkit.** The existing toolkit on preventing extremism should include a section on online propaganda and disinformation. For example: “*Content that falsely alleges crimes by a protected group – a ‘blood libel’ – is extremist in nature. Charities should review online posts to ensure they do not inadvertently circulate radical or hateful memes.*”

Clarify reporting and enforcement criteria

- **Serious incident reporting.** Revise the serious incident guidelines to advise trustees to report any significant case where the charity has disseminated false or harmful content. For example, include under “What to report”: *“Instances where a charity publishes or fails to correct disinformation that could incite hatred, or where a charity’s communications generate credible complaints of hate speech.”* This puts charities on notice that disinformation is an organizational risk.
- **Enforcement thresholds.** The Commission should specify how it will respond to confirmed disinformation cases. A possible framework: (a) **Warning:** a first, isolated instance of misleading content triggers a warning letter and requirement to issue a correction or apology; (b) **Investigation:** repeated or widely publicized disinformation, or disinformation tied to targeted harassment, triggers a full regulatory review; (c) **Sanctions:** where serious harm is likely (e.g. incitement of violence) or trustees remain uncooperative, the Commission should consider suspension or removal of trustees, and ultimately deregistration.
- **Public clarity.** Any new guidance and thresholds should be communicated in a transparent statement or code. The public and charities need to know that the Commission takes hate/disinfo seriously. This transparency will also help trustees self-police and respond quickly to errors.

Amend statutory or guidance language where possible

- **CC9 and CC14 (campaigning guidance):** Insert wording such as: *“Charities must not disseminate demonstrably false information or share unverified allegations about any group. Where campaigns involve sensitive topics (such as race, religion or conflict), charities should take extra care to verify facts and avoid inflammatory rhetoric.”* This builds on CC9’s existing point that emotive material “must have a legitimate evidence base”.
- **Charity Commission case law references:** Include reference in guidance to section 4(1)(d) of the Charities Act 2011, which requires any restriction or condition on freedom of speech must be justified by law. For example: *“We expect trustees to balance freedom of expression with legal restrictions on hate speech. Any expression that crosses legal boundaries (e.g. incitement or defamation) is prima facie a breach of duty.”*
- **Examples of misconduct:** Provide hypothetical scenarios (case notes) in updated guidance. E.g.: *“Example: A charity posts on social media a viral image claiming a protected group is committing atrocities. Media outlets debunk this, and the charity leaves the image online despite knowing it is false. This would likely be considered serious mismanagement.”* Concrete examples help trustees recognize red lines.

Enhance trustee training and sector outreach

- The Commission, in partnership with umbrella bodies (NCVO, etc.), should run training sessions on the new guidance. Trustees need guidance on distinguishing controversial opinion from unlawful disinformation.
- The Commission might issue FAQs or helpline advice on disputes (e.g. “We have received complaints about our charity’s social media – do we need to report it?”).
- Encourage charities to adopt internal communications policies that require fact-checking and senior sign-off for public posts. This is non-prescriptive but good practice.

Monitor and review

- After implementation, the Commission should monitor how often such guidance is relied upon. It could, for instance, publish an annual report on cases involving misinformation or hate speech.
- Set a review date (e.g. 2 years) to assess whether the guidance effectively addresses the problem or needs further tightening.

By implementing these recommendations, the Charity Commission would fill the current regulatory gap. It would send a strong signal: charities enjoy public trust and privileges, but with them comes responsibility. As one campaign slogan puts it, “*Charitable status is a privilege, not a loophole.*” Clear rules and thresholds would ensure that privilege cannot be abused to amplify dangerous disinformation. The aim is not to curb legitimate debate, but to ensure *all* charity speech remains within the bounds of law and public benefit.