ÚDARÁS CRAOLACHÁIN NA hÉIREANN | BROADCASTING AUTHORITY OF IRELAND

Broadcasting Authority of Ireland
Broadcasting Complaints Decisions

February 2021

Contents

BAI Complaints Handling Process

Under the Broadcasting Act 2009, viewers and listeners to Irish radio and television services can complain about broadcasting content which they believe is not in keeping with broadcasting codes and rules. When making a complaint, the relevant programme or commercial communication should be identified, including the date of broadcast and time. The complainant should explain what it is about the broadcast that has led them to make a complaint. It is important to set out clearly the grounds of the complaint and why the programme material or commercial content does not comply with the BAI's Broadcasting Codes. A copy of the codes may be found on the BAI's website: www.bai.ie, by emailing info@bai.ie or by phoning the BAI on 01 644 1200.

In line with the complaint process, the viewer or listener should direct their complaint to the broadcaster in the first instance and in the manner detailed in the broadcaster's Code of Practice for Handling Complaints, a document which each broadcaster has available on its website. If a viewer or listener is not satisfied with the response from the broadcaster or if the broadcaster does not respond within the timeframe provided for in their Code of Practice (usually 21 days), then the viewer or listener can refer the complaint to the BAI for consideration.

In assessing complaint referrals, the BAI will have regard to the relevant codes and rules, the written material submitted by the relevant parties, together with the broadcast material. Complaints are assessed at Executive level by the Executive Complaints Forum and/or by the Compliance Committee of the Authority. Further information may be found on the complaints handling section of the BAI's website: www.bai.ie.

The details of the broadcasting complaints decisions reached by the BAI are set out in this document. The decisions deal with the issue of whether a programme or a commercial communication did or did not comply with the relevant legal requirements and the relevant broadcasting codes or rules. The decisions do not constitute endorsement or support for the views of either parties to the complaint nor will they address every aspect of a complaint submission. The BAI will not carry out a separate or independent assessment outside of the matters raised in the complaint.

In total, four complaints were considered and rejected by the Executive Complaints Forum of the BAI. The decisions of the Executive Complaints Forum were reached at meetings held on 20th October, 3rd November and 15th December 2020.

Rejected by Executive Complaints Forum

Complaint Reference Number	**C5361**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Liveline
Broadcast Date	4th June 2020
Broadcast Time	13.45 – 15:00
Programme Description	Daily phone-in programme featuring a variety of subject topics
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs: Rules 4.1 and 4.2.

Complaint Summary

The complaint refers to an interview with former US Ambassador to the UN, and member of the US Democratic Party, Samantha Power.

The complainant claims that the interview amounted to a party-political broadcast on behalf of the Democratic Party, which lasted for 45 minutes without interruption. The complainant also claims that the presenter criticised and denigrated President Trump by showing his obvious dislike of the President, bordering on hatred. The complainant states that he would not expect the presenter of Liveline to reveal his biased opinion during an interview. The complainant believes the only way to balance this interview is to invite a supporter of the Republican Party in the US onto the programme and provide them with the same timeframe to put forward their support for President Trump.

Broadcaster Response Summary

The broadcaster maintains that this was not a party-political broadcast but an interview with a well-established academic and former UN Ambassador. The interview was in the context of the programme's ongoing coverage of events occurring in the US at the time of broadcast, particularly with regard to the US President. The programme included Irish and American contributors and callers both in support of, and against, the President, being featured on the programme. The broadcaster rejects the assertion that the presenter was biased in their handling of the interview and states that regular listeners to the show are familiar with the presenter's robust and challenging style of interview.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted that the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs – Rules 4.1 and 4.2. The Code requires that news and current affairs content shall be presented in an objective and impartial manner and that the broadcast treatment of news and current affairs, including matters which are either of public controversy or the

subject of current public debate, is fair to all interests concerned and that audiences have access to a wide variety of views on the subject.

The Forum found that this was an interview with a former US Ambassador to the UN who also happens to be a member of the US Democratic Party. Having listened to the broadcast, the Forum found that this was a wide-ranging interview which covered recent events in the US, referring in particular to the death of George Floyd, the subsequent protests and how these were handled by the US Administration. The Forum noted that one contributor, Samantha Power, is a member of the Democratic Party in the US. However, the Forum was of the view that the interview itself did not constitute a party-political broadcast.

The Forum was of a view that a range of matters regarding President Trump were discussed, sometimes robustly, however, this is in keeping with the presenter's style and regular listeners would be familiar with the type of approach adopted in discussing the topic.

The Forum did not find evidence in the broadcast to support the view of the complainant that the presenter displayed bias or that the programme was unfair, unobjective or partial.

Complaint Reference Number	**C5366**
Complainant	[redacted]
Station	Today FM
Programme Name	Dermot and Dave
Broadcast Date	4th September 2020
Broadcast Time	11:00
Programme Description	Light entertainment show featuring a broad range of topics
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards – Principle 5.

Complaint Summary

The complaint refers to the words of an on-air jingle which the complainant found to be sexist.

The complainant states that there is a weekly segment in which one of the show's female producers provides an overview of upcoming shows on TV. A jingle is played before and after this segment which, in the view of the complainant, contains offensive, discriminatory and sexist remarks. The complainant particularly takes issue with the lyrics "you are fired" and "put on the kettle". The complainant found both remarks derogatory and offensive and is of the view that the jingle sends the wrong message to female listeners. The complainant further notes that the show does not include similar references aimed towards men.

Broadcaster Response Summary

The producer in question provided a response to this complaint as she co-wrote the jingle. The producer states that the jingle is not designed to cause offence, rather it is a play on the producer-presenter relationship. The jingle is a joke which plays on the fact that the producer is the presenters' manager and, as such, could not be fired by the presenters. In addition, the kettle reference is a cheeky play on the presenters asking their boss to make them a cup of tea. The broadcaster states that gender has no relevance to the content of the jingle.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted that the complaint was submitted under the Code of Programme Standards – Principle 5. The Code requires that the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity.

The Forum acknowledged that the complainant found the jingle to be offensive and was of the view that the lyrics of the jingle were derogatory and sexist towards females. Having listened to the broadcast, the Forum considered that the jingle was light-hearted and would be understood by listeners to be intended as a joke. The Forum noted that the Code states that broadcast material

shall not stigmatise, support or condone discrimination or incite hatred against a person or group in society. In addition, broadcast material should only emphasise gender when justified. The Forum had regard to the concerns raised by the complainant. However, the Forum did not find evidence in the jingle to support the views of the complainant. In reaching this decision, the Forum had regard to the response from the broadcaster, in which the producer stated that the jingle was a play on the relationship between the presenters and the producer. The Forum also had regard to the importance of context. The Forum noted that listeners would be familiar with the style of the programme and the content of the jingle was likely to align with audience expectations. Further, the Forum did not consider that the content emphasised gender or discriminated against women. In this regard, the Forum did not consider that the jingle was likely to cause undue offence.

The Forum did not consider that the broadcast infringed the Code of Programme Standards in the manner described by the complainant. As such, the complaint was rejected.

Complaint Reference Number	**C5373**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Today with Claire Byrne
Broadcast Date	7th September 2020
Broadcast Time	10:00
Programme Description	Mid-Morning Show featuring Stories of the Day
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs: Rules 4.1, 4.2, 4.17 and 4.19.

Complaint Summary

The complaint refers to an interview with the Washington Correspondent for the Irish Times. The complainant is of the view that the interview was one-sided and failed to include the facts known at the time of broadcast. The complainant specifically takes issue with the discussion regarding an article published in 'The Atlantic' magazine in the USA.

The complainant states that during the interview, there was a discussion about a report in The Atlantic magazine which claimed that President Trump made disparaging remarks about American military personnel, both dead and alive, during a visit to France in 2018. The complainant claims that the presenter did not challenge the correspondent with regard to the veracity of claims made in the report. The complainant maintains that the article is being challenged and believes that RTÉ failed to reflect this in the broadcast. As such, the complainant considers that the broadcaster did not report the full facts which were available at the time of broadcast. The complainant acknowledges that the broadcast includes reference to the fact that the President denied the accusations made in the article, however, the complainant is of the view that the broadcast failed to include reference to the facts the President gave in support of this denial. In addition, the complainant states that the White House press office debunked many of the claims contained in the article but notes that these were excluded from the broadcast.

The complainant believes that the topic was treated in a manner which was designed to portray only one side of the story, regardless of the fact that the accusations had been denied by President Trump. The complainant also contends that the article was based on opinion, rather than the available facts.

Broadcaster Response Summary

The broadcaster states that the Irish Times correspondent reported objectively and accurately with regard to the claims made in the article in 'The Atlantic', as well as the reaction to the article. The broadcaster maintains that during the interview, it was reiterated that there were issues with credibility. The interviewee stated that the journalist responsible for the article is well-respected and stated that he is standing by the article. The broadcast also included a clip of an interview with President Trump, in which he strongly denied the allegations included in the article.

The broadcaster maintains that the claims were reported objectively and impartially, with repeated reference to the questions surrounding the story as well as the denials in response to it.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted that the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs – Rules 4.1, 4.2, 4.17 and 4.19. The Code requires that news and current affairs content shall be presented in an objective and impartial manner and that the broadcast treatment of news and current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned. Section 4.17 requires that news and current affairs are presented with due accuracy having regard to the facts known at the time. Section 4.19 also requires that view and facts are not misrepresented or presented in such a way as to render them misleading.

Having listened to the footage, the Forum found that the report in 'The Atlantic' magazine referred to the allegation that, during his trip to France, President Trump made derogatory remarks about military veterans. The Forum noted that the interview with the Irish Times correspondent began with her stating "...there are issues about credibility and sources ...nobody is quoted directly in this article...". Shortly afterwards, the broadcaster played a clip which featured President Trump denying claims made in the magazine article.

The Forum was of the view that the disclaimer at the beginning of the interview and the inclusion of a clip of President Trump denying the content of the report in the magazine, clearly demonstrated that the accuracy of the article was disputed. The topic was presented and discussed in an objective and impartial manner. A range of viewpoints were represented and there was no evidence in the broadcast to support the contention that the item was one-sided or that facts were omitted or presented in a manner which would mislead audiences.

The Forum found no evidence in the broadcast to support the matters raised by the complainant. As such, the complaint was rejected.

Complaint Reference Number	**C5376**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Six One News
Broadcast Date	9th November 2020
Broadcast Time	18:00
Programme Description	Evening news programme broadcast each evening at 6.01pm covering news, current affairs and sports results.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs: Rules 4.1 and 4.17

Complaint Summary

The complaint refers to a news report regarding the 2020 Presidential Election in America.

The complainant takes exception to the use of the term 'President Elect' when referring to Joe Biden. The complainant maintains that when an election outcome is unclear or disputed nobody should refer to any of the candidates as the 'President Elect'. The complainant maintains that, at the time of broadcast, the incumbent president, Donald Trump, had not conceded the election. Further, the complainant maintains that there are on-going reports of voter irregularities.

The complainant is of the view that RTÉ showed bias in using the term 'President Elect'. Additionally, the complainant believes that the broadcaster displays bias in its limited reporting regarding voting irregularities. The complainant takes particular issue with a comment made by RTÉ's Washington Correspondent, in which he stated that allegations of voter irregularities are "without evidence".

Broadcaster Response Summary

The broadcaster states that the term 'President Elect' is appropriate and valid and was used widely in America and globally. The broadcaster states that many world leaders and international organisations have acknowledged that Mr. Biden is the President Elect. The broadcaster further states that various Republican representatives have stated that there is no evidence of widespread voter fraud or electoral irregularities.

The broadcaster maintains that it reported that President Trump had not conceded the election and that his lawyers were issuing legal challenges. The broadcaster also reported on the reactions of supporters for both the President and the President Elect.

The broadcaster maintains that the report was factually accurate, fair and impartial.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted that the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs – Rules 4.1 and 4.17. The Code requires that news and current affairs content shall be presented in an objective and impartial manner and that the broadcast treatment of news and current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that it is presented with due accuracy having regard to the facts known at the time.

The Forum noted that the complainant takes exception to the use of the term 'President-Elect' when the broadcaster referred to Joe Biden. The Forum had regard to the view of the complainant that if the outcome of an election is unclear or disputed, neither candidate should be referred to as the President-Elect. The complainant was also of the view that the use of the words "without evidence" by the reporter when referring to allegations of irregularities in voting in the Election, displays bias on the part of the broadcaster.

The Forum noted that the term 'President-Elect' is a commonly used term, which has often been used to describe incoming Presidents. The Forum noted that the complainant took issue with the use of this term. However, the forum did not agree that its use to describe Joe Biden was evidence of non-compliance with the Act or Rules on the part of the broadcaster. Additionally, the Forum did not consider that the use of the term 'President-elect', rendered the report partial or inaccurate.

The Forum noted that the complaint also concerned an element of the report during which the broadcaster's Washington Correspondent stated that allegations of voter irregularities were without evidence. The Code requires that news and current affairs content shall be presented with due accuracy, having regard to the circumstances and the facts known at the time of preparing and broadcasting the content. The Forum noted that the correspondent stated that the allegations were "without evidence yet". However, there is no evidence in the broadcast to support the view that this statement, or any element of the report, was presented without due accuracy.

The Forum did not consider that the broadcast infringed the Code in the manner described by the complainant. As such, the complaint was rejected.

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The details of the broadcasting complaints decisions reached by the BAI are set out in this document. The decisions deal with the issue of whether a programme or a commercial communication did or did not comply with the relevant legal requirements and the relevant broadcasting codes or rules. The decisions do not constitute endorsement or support for the views of either parties to the complaint nor will they address every aspect of a complaint submission. The BAI will not carry out a separate or independent assessment outside of the matters raised in the complaint.

During the period from October 2020 to February 2021, ten (10) complaints were considered by the Compliance Committee of the BAI; nine (9) complaints were rejected and one (1) was upheld. In addition, eight (8) complaints were considered and rejected by the Executive Complaints Forum. The decisions of the Compliance Committee were reached at its meetings held on 28th October 2020 and 20th January 2021, while the decisions of the Executive Complaints Forum were reached at meetings held on 19th January, 2nd February and 16th February 2021.

Upheld by Compliance Committee

Complaint Reference Number	**C5371**
Complainant	[redacted]
Station	Today FM
Programme Name	The Last Word with Matt Cooper
Broadcast Date	18th September 2020
Broadcast Time	17:00
Programme Description	Current affairs programme
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs: Rules 4.1 and 4.2.

Complaint Summary

The complaint refers to a remark made by a panellist during a segment in which a panel discuss various topics.

The complainant states that during the weekly panel discussion, one of the contributors stated that J.K. Rowling was transphobic, without providing any evidence to back this up. The complainant claims this statement was not challenged by the presenter or any of the other panellists. The complainant believes that this is a very serious accusation, and considers that the segment lacked balance, impartiality or objectivity.

Broadcaster Response Summary

The broadcaster states that the specific story being discussed was a number of tweets made by the singers Jedward, in which they criticised several celebrities for comments they had made about Covid-19 and the wearing of masks. The panel also mentioned that Jedward had tweeted about J.K. Rowling, specifically her comments regarding transgender people. It was in this context that the discussion regarding J.K. Rowling occurred.

The broadcaster cites UNESCO as defining transphobia as “the irrational aversion, anxiety, discomfort or hatred of people because they are or are perceived to be transgender”. The broadcaster states that the panellist in question is of the opinion that J.K. Rowling exhibits some of the characteristics of transphobia, such as anxiety and discomfort. The broadcaster maintains that the panellist is entitled to this opinion and is entitled to express it on a part of the programme that requires guests to have a view on the topics being discussed.

The broadcaster states that had there been an item solely on the transgender debate, it would have included guests to represent both sides of the argument. However, J.K. Rowling was one of several topics discussed by the panel. Furthermore, the broadcaster claims this was not a news or a current affairs piece, rather a lively miscellany in which opinions are encouraged.

Decision of the Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to uphold the complaint. The Committee's findings are set out below.

The Committee noted that the complaint was made under Rules 4.1 and 4.2 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that current affairs content is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The Committee had regard to the views of the broadcaster that the item in question was not news or current affairs; the Committee noted that the programme is generally understood to be a current affairs programme, further, while the content of the panel discussion was quite light-hearted in nature, the Committee did consider that it was about a current affairs topic and did contain some analysis of same. As such, the content constituted current affairs and is subject to the requirements set out in the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Committee noted that during a discussion regarding tweets made by Jedward, the panel commented on tweets Jedward made about J.K. Rowling's alleged transphobia. During this discussion, a panel member gave a brief overview of some events which are the basis for public accusations of transphobia. The panel member also stated that J.K. Rowling has become a "transphobic bigot". While the principle of fairness does not require that all possible opinions on a topic are explored, or that artificial balance is achieved, the Committee noted that the nature of current affairs coverage is such that the presenter plays a critical role in challenging the views of guests and contributors, in the public interest. The Committee had regard for the fact that, in this instance, the presenter did not challenge the panel member or facilitate the exploration of alternative viewpoints. The principle of fairness requires that the approach to covering issues should be equitable and proportionate. The Committee were of the view that, given the seriousness of the statements made by the panel member, and the lack of challenge by the presenter, the broadcast was not fair. As such, the Committee upheld this complaint.

Rejected by Compliance Committee

Complaint Reference Number	**C5345**
Complainant	[redacted]
Station	Newstalk 106–108FM
Programme Name	The Hard Shoulder
Broadcast Date	16th June 2020
Broadcast Time	16:00-19:00
Programme Description	Current affairs and politics programme broadcast on weekday evenings.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards - Principle 3.

Complaint Summary

The complaint refers to an interview with a sleep expert regarding issues which some people experience with sleeping and potential solutions for these issues. The complainant states that this is a serious topic and that clear, factual and correct information should be provided when it is discussed. The complainant is of the view that the information provided during the interview was harmful to vulnerable people as it advocated harmful methods to manage issues with sleeping.

The complainant states that alcohol and sleeping medication and daytime naps were discussed during the interview as potential remedies for managing sleep issues. The complainant is of the view that an exchange between the presenter and the interviewee amounted to misinformation as the presenter commented that, "...a bottle of gin might go a long way to deaden the brain", to which the interviewee replied, "well yes". The complainant also states that later in the broadcast the interviewee commented that a nightcap has never harmed anyone. The complainant acknowledges that this does not overtly support the use of alcohol, however, the complainant believes that this is misinformation and failed to warn listeners of the dangers of alcohol.

The complainant also believes that important information was omitted during the discussion surrounding the use of sleeping medication and considers that sleeping medication was introduced as a positive step. The complainant was particularly concerned by a reference made by the presenter with regard to mixing alcohol and medication when he is personally affected by a lack of sleep.

It is the view of the complainant that the interviewee was incorrect in his assertion that there is no problem with napping during the day as this contradicts HSE advice regarding this matter. The complainant believes that the programme should have advised listeners to visit their GP.

The complainant takes issue with the presenter referencing medical doctors as tyrants, when discussing the type of medical advice being provided by the interviewee. Further, the complainant sought confirmation regarding whether the interviewee is a medical doctor and, if he is not a medical doctor, believes that this should have been made clear to listeners.

Broadcaster Response Summary
The broadcaster states that the interviewee is not a medical doctor, however, he has a PhD and his expertise is in the area of sleep. The broadcaster states that the content of the broadcast was in keeping with the usual style of the programme. The broadcaster further states that the programme content was also in accordance with audience expectations for the programme.

Decision of the Compliance Committee
Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to reject the complaint. The Committee's findings are set out below. The Committee noted that the complaint was made under Principle 3 of the Code of Programme Standards, which aims to protect audiences from harmful content. The Committee had regard to the view of the complainant that an interview with a sleep expert was harmful to audiences, specifically to those who are vulnerable. The Committee acknowledged the complainant's concern that the interview contained incorrect information and dangerous advice, including references to mixing alcohol and sleeping tablets. The Code requires that broadcasters do not broadcast harmful material, including material which encourages the abuse of drugs or alcohol. While the Committee noted that the presenter was somewhat flippant in some of his remarks regarding consuming alcohol and sleeping tablets, it is of the view that his style is synonymous with the show. The Committee considered that regular listeners would be aware of the sardonic approach often adopted by the presenter, accordingly, it's unlikely that listeners would have treated the presenter's comments as sincere advice regarding sleeping aids. The tone was conversational and light-hearted, and the Committee did not consider that the discussion encouraged harmful behaviour. However, broadcasters should be mindful that some viewers and listeners, by virtue of their age or particular circumstances, are vulnerable. The Committee emphasised the importance of due care being shown when discussing topics that may have serious implications for some listeners. In this regard, broadcasters should ensure that information is presented in a clear and appropriate manner. The Committee had regard to the interviewee being introduced as a doctor, however, this appears appropriate given the interviewee's qualifications. The Committee did not consider that the content of the broadcast infringed Principle 3 of the Code of Programme Standards. As such, the complaint was rejected.

Complaint Reference Number	**C5350**
Complainant	[redacted]
Station	RTÉ News Now
Programme Name	Live: Morning Ireland
Broadcast Date	3rd June 2020
Broadcast Time	07:36am
Programme Description	This programme provides live updates from the radio studio of Morning Ireland broadcast from 7-9am each weekday morning, including news and current affairs updates.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – Rule 17. Section 48(1)(b)(harm and offence); The Code of Programme Standards – Principle 5.

Complaint Summary

The complaint relates to the manner in which this programme reported the death in the USA of George Floyd, who died while in police custody. The news item in question concerns rolling text across the bottom the screen. In this instance, the text referred to "the death of an unarmed black man in police custody in Minneapolis". The complainant takes exception to the failure to provide the public with the name of the man who was killed.

The complainant is of the view that, given the coverage across all media in the eight days that followed this incident, the victim's name was known at the time of the broadcast. As such, the complainant is of the view that this broadcast was not presented with due accuracy.

In addition, the complainant believes that failure to identify George Floyd by name is akin to failing to respect human dignity. Further, the complainant contends that failure to specify the victim's name can be regarded as discrimination against a particular race and an intent to stir up hatred.

Broadcaster Response Summary

The broadcaster points out that the complainant's issue was not concerned with the content of *Morning Ireland,* which covered the story extensively over several days; rather, the complaint was solely concerned with screen grabs of the rolling headline linked to the RTÉ news website. The broadcaster states that these screen grabs were carried on the RTÉ News Now channel, which also carries the tabs and other stories from the RTÉ news website.

The broadcaster states that the George Floyd story dominated the global news cycle at the time, including being the main news item on all RTÉ's output. The broadcaster maintains therefore that there was no requirement to use Mr. Floyd's name as anyone who listened to news over the previous days would immediately know the rolling headlines were one part of the on-going story. The broadcaster states that these rolling headlines were factually accurate.

The broadcaster denies that the rolling headline was disrespectful or racist and believes that this assertion is without foundation. The broadcaster states that there was no requirement to provide George Floyd's name in these headlines and states that audiences would have been aware that this type of news serves as updates on the story, which is covered by various RTÉ services.

Decision of the Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to reject the complaint. The Committee's findings are set out below.

The Committee noted that the complaint was made under Rule 4.17 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that news and current affairs content is presented with due accuracy. The complaint was also made under Principle 5 of the Code of Programme Standards. This principle requires broadcasters to represent persons and groups in society in a manner which is appropriate and justifiable, and does not prejudice respect for human dignity or stigmatise, support discrimination or incite hatred.

The Committee had regard to the view of the complainant that the failure to name George Floyd constituted incitement to hatred and prejudiced respect for human dignity. The Committee noted that the service provides headline information which is supplementary to news broadcasts aired by the broadcaster. The Committee noted that, although Mr. Floyd's name was omitted, the information was accurate and was presented in an objective manner. The Committee also noted that Mr. Floyd's race was pertinent to the news story. Additionally, at the time of broadcast, the news story had received worldwide press coverage and most audience members would be aware of details of the incident, including the name of the victim.

The Committee did not consider that the broadcast infringed Principle 5 of the Code of Programme Standards. Accordingly, the complaint was rejected.

The complainant's name is excluded from this decision as the Executive Complaints Forum accepted an anonymity request submitted by the complainant.

Complaint Reference Number	**C5352**
Complainant	[redacted]
Station	RTÉ One
Advertisement Name	Bank of Ireland, Business Banking, Begin
Broadcast Date	27th July 2020
Broadcast Time	21:18
Programme Description	Advertisement for Bank of Ireland
Complaint Category	Broadcasting Act 2009 - Section 48(1)(d)(commercial communications); the BAI General Commercial Communications Code – Rule 19.1

Complaint Summary

The complaint relates to an advertisement for the Bank of Ireland which, the complainant believes, is misleading.

The complainant takes issue with a statement contained in the advertisement that claims, "your financial wellbeing is our priority". It is the view of the complainant that Bank of Ireland is not interested in the financial wellbeing of its customers and is only interested in the wellbeing of its shareholders. As such, the complainant believes the advertisement is exaggerated and misleading. The complainant considers that the advertisement contravenes rule 19.1 of the Code, which requires that commercial communications for financial services and products shall be presented in terms that do not mislead, whether by exaggeration, omission or in any other way.

Broadcaster Response Summary

The broadcaster maintains that this advertisement did not infringe the General Commercial Communications Code (GCCC) and states that the advertisement was cleared by RTÉ's Copy Clearance Committee prior to broadcast.

The broadcaster acknowledged that the advertisement, entitled 'Bank of Ireland, Business Banking, Begin' included the line, "and because your financial wellbeing is our priority, our dedicated business teams have a range of supports to help you take the next step". However, the Copy Clearance Committee did not consider that this infringed any BAI Code. The broadcaster is satisfied that the content of the advertisement complies with the requirements set out in the relevant Codes.

Advertiser Response Summary

The advertiser was satisfied that the broadcaster addressed this matter and did not have anything further to add.

Decision of the Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to reject the complaint. The Committee's findings are set out below.

The Committee noted that the complaint was made under rule 19.1 of the General Commercial Communications Code. The Code requires that commercial communications for financial services shall not be presented in a manner which is misleading.

The Committee had regard to the views put forward by the complainant and acknowledged the concerns of the complainant regarding how the content of the advertisement could be misleading. The Committee noted that the complaint is based on the voiceover statement that, “your financial wellbeing is our priority”. However, when viewed in full, the voiceover states that, “At Bank of Ireland your financial wellbeing is our priority, so our dedicated business teams have a range of supports to help you take the next step”. The Committee noted that this advertisement relates to a range of financial services targeted at businesses, specifically those affected by Covid-19. The advertisement informs viewers that a range of services are available and also directs viewers to the Bank of Ireland website. In this context, the advertisement provides accurate information regarding the service being advertised.

The advertisement was presented in a transparent manner and the commercial nature of the broadcast would be easily understood by audiences. Advertisements aim to promote goods or services and the statement which is the subject of this complaint is characteristic of commercial content. The Committee did not consider that audiences were likely to have been misled by the advertisement.

The Committee did not consider that the advertisement infringed the Code in the manner described by the complainant. As such, the complaint was rejected.

Complaint Reference Number	**C5354**
Complainant	[redacted]
Station	Newstalk 106-108FM
Programme Name	The Hard Shoulder
Broadcast Date	13th July 2020
Broadcast Time	16:00
Programme Description	Current affairs and politics programme broadcast on weekday evenings.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – Rules 4.19, 4.21 and 4.22.

Complaint Summary

The complaint relates to comments made by the presenter regarding the Covid-19 pandemic and his apparent disregard for public health advice.

The complainant considers that views and facts made by the presenter during this programme contravened advice provided by the Department of Health. The complainant believes that the presenter encouraged behaviour detrimental to public health and safety, particularly in discussing the Covid-19 pandemic and the lifting of the phased restrictions.

Broadcaster Response Summary

The broadcaster acknowledged the strong beliefs expressed by the presenter, Ivan Yates, since the beginning of lockdown and his opposition to same. The broadcaster emphasises that the presenter's views were strongly challenged by many interviewees during the programme, including public health experts, commentators, politicians, listeners via texts and emails, and from Government officials. Many contributors expressed their opposition to the presenter's views. The broadcaster maintains that this served to balance the presenter's views over the course of this broadcast.

Decision of the Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to reject the complaint. The Committee's findings are set out below.

The Committee noted that the complaint was made under rules 4.19, 4.21 and 4.22 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that views and facts shall not be misrepresented or presented in such a way as to render them misleading. The Code further requires news presenters to not express their own view on matters of public controversy or debate. Further, current affairs presenters shall not express their own views on matters of public controversy or debate such that a partisan position is advocated.

The Committee had regard to the complainant's belief that some of the views offered by the presenter were damaging to public health. The Committee further considered the complainant's contention that

the presenter gave his views in a manner which advocated a partisan position and rendered the programme partial.

The Committee acknowledged that presenters of current affairs programmes play a crucial role in ensuring objective and impartial coverage of matters of current debate or controversy. The Committee also noted that the ongoing pandemic is a matter which has serious implications for the health of the public and, as such, discussions regarding this matter should be treated with due respect and care. The Committee noted that the presenter offered a range of views while adopting a robust interview style. However, the Code acknowledges that some current affairs programmes are synonymous with personalities and, in these cases, the style of the programme and presenter are key factors in engaging audiences. The Committee noted that the presenter's style is well known to audiences, therefore, listeners are likely to expect robust debate. The programme included a range of views provided by various interviewees and there was no evidence of bias. The Committee did not consider that any facts were presented in a misleading manner. Further, while the presenter offered many forceful opinions, the Committee did not consider that he advocated a partisan position or encouraged harmful behaviour.

The Committee did not consider that the content infringed the Code in the manner described by the complainant. As such, the complaint was rejected.

Complaint Reference Number	**C5358**
Complainant	[redacted]
Station	Newstalk 106-108FM
Programme Name	Newstalk Breakfast
Broadcast Date	11th July 2020
Broadcast Time	07:00 – 09:00am
Programme Description	Newstalk Breakfast is a news/current affairs programme, including a newspaper review of the latest stories at home and abroad.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – Rules 4.1, 4.2 and 4.22. Section 48(1)(b)(harm and offence); The Code of Programme Standards – Principle 3.

Complaint Summary

The complaint refers to comments voiced by the presenter regarding the Covid-19 pandemic and his apparent disregard for public health advice.

The complainant is of the view that the presenter displayed a blatant disregard for the standards in public broadcasting. The complainant considers that the views of the presenter were represented in such a manner as to render the programme partial. The complainant also considers that the statements made by the presenter amounted to personal views being expressed in a manner that led to him advocating a partisan position. The complainant maintains that the presenter encouraged behaviour which was detrimental to public health and safety when discussing Covid-19.

Broadcaster Response Summary

The broadcaster maintains that the presenter did not advocate a partisan view or encourage behaviour detrimental to public health. The presenter queried how, in some circumstances, it is possible to adhere to the two-metre distance advice given by the HSE. The broadcaster maintains that this discussion was balanced later in the programme when a medical expert questioned the presenter's comments and the presenter then advised people to follow the health advice during the pandemic. The broadcaster states that the presenter later conceded that he would bow to the doctor's superior knowledge. Further, the broadcaster also maintains that texts read out by listeners were critical of the presenter's views on the Covid-19 pandemic.

Decision of the Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to reject the complaint. The Committee's findings are set out below.

The Committee noted that the complaint was made under rules 4.1, 4.2 and 4.22 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that current affairs content is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views. In

addition, a presenter of a current affairs programme shall not express their own views on matters of public controversy or debate such that a partisan position is advocated. The complaint was also made under Principle 3 of the Code of Programme Standards, which aims to protect audiences from harmful content.

The Committee had regard for the matters raised by the complainant and acknowledged the crucial role presenters play in ensuring that matters of public debate or controversy are explored in a manner which is objective and impartial. The ongoing pandemic has serious implications for the health of the public and, as such, the Committee considers that due care must be shown when discussing this topic. The Committee noted that the presenters read out a number of texts sent in by listeners and also interviewed a professor from Trinity College. Through these contributions a range of alternative viewpoints were explored, many of which firmly challenged some of the presenter's comments. In this regard, the Committee did not agree that the programme was biased or partial, further, the Committee did not consider that the presenter advocated a partisan position. In addition, although the presenter adopted a somewhat cavalier attitude when discussing Covid-19, the content of the programme could not be considered as encouraging behaviour detrimental to public health and safety.

The Committee did not consider that the content infringed the Code in the manner described by the complainant. As such, the complaint was rejected.

Complaint Reference Number	**C5364**
Complainant	[redacted]
Station	Beat 102-103
Programme Name	Old Skool Sunday
Broadcast Date	6th September 2020
Broadcast Time	12:00 – 15:45
Programme Description	Music driven programme aired weekly.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards – Principles 2 and 3.

Complaint Summary

The complaint refers to comments made by the presenter about a DJ, when introducing a song.

The complainant states that in the week of this broadcast, a US-based DJ died after being accused of sexual assault. The complainant believes that people of the demographic that listen to this station would have been aware of the charge. The complainant claims that the presenter spoke admiringly about the DJ, stating he would tip his hat to him. The presenter then proceeded to play a song written by the DJ. The complainant is of the view that given the charges against the DJ, the complimentary reference to him along with playing one of his songs were inappropriate. The complainant also feels an on-air apology is owed by the broadcaster to all victims of sexual violence.

Broadcaster Response Summary

The broadcaster states that it does not support or condone any content which would be deemed as causing harm or offence. However, while the broadcaster apologised for any insensitivity shown by these comments, the broadcaster states that the presenter's referencing to tipping his hat was to the music, rather than the DJ. The broadcaster states that the comment was made by a part-time presenter who was filling in for the regular presenter. The broadcaster maintains that the presenter in question acknowledges this mistake as the language used may be considered inappropriate given the charges against the DJ. The broadcaster subsequently met with all presenters regarding the approach that should be taken to such sensitive topics in future, and related music and artists. The broadcaster contends that any future focus should be on the music, rather than the individual.

Referring to the request by the complainant for an apology to be aired, the broadcaster maintains that referring to the song again with an apology could further compound the matter. Additionally, as there was only one complaint and the segment in question paid homage to the music rather than the artist, the broadcaster did not consider it appropriate or necessary to air an apology.

Decision of the Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to reject the complaint. The Committee's findings are set out below.

The Committee noted that the complaint was made under Principle 2 and 3 of the Code of Programme Standards, which has regard to the importance of context and aims to protect audiences from harmful content.

The Committee had regard for the matters raised by the complainant and was mindful of the potential impact that such content may have on listeners. The Committee was of the view that it is important for broadcasters to be aware of the potential impact on listeners and to ensure that broadcasts do not cause harm to audiences, particularly with regard to the personal circumstances of individual audience members. Nevertheless, the Committee noted that, while the person in question was charged, they were not convicted at the time of broadcast. The Committee had regard to the steps taken by the broadcaster following receipt of this complaint and considered that these steps were reasonable to address the concerns of the complainant. On balance, when considering the facts known at the time of broadcast, it was the view of the Committee that the programme could not be considered as infringing the requirements set out in Principle 2 or 3 of the Code of Programme Standards.

Complaint Reference Number	**C5372**
Complainant	[redacted]
Station	Virgin Media One
Programme Name	News at 5.30
Broadcast Date	17th August 2020
Broadcast Time	17:30
Programme Description	News programme
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs: Rules 4.1, 4.2, 4.17 and 4.19.

Complaint Summary

The complaint refers to a report on the wearing of face masks by the public during Covid-19.

The complainant maintains that the news report stated that face masks were mandatory in certain locations and those not wearing masks "may" face prosecution. The complainant states that the report failed to identify the exemptions. The complainant states that Statutory Instrument (SI) No. 296 of 2020 requires people to wear masks, however, section 5(a) provides exemptions for persons who cannot put, wear or remove a face covering because of any physical or mental illness, impairment, or disability, or without severe distress. The complainant believes that by not providing the full facts, the report was biased, prevents people from knowing their rights and entitlements and, in doing so, discriminates against those exempt from wearing masks. The complainant is of the opinion that the report was neither fair nor impartial.

Broadcaster Response Summary

The broadcaster strongly rejects the assertion that the report failed to comply with the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The broadcaster states that this news report was not intended to be a general report on the law pertaining to the wearing of face coverings during Covid-19. The broadcaster maintains that the subject matter was the narrower topic of the powers of the Gardaí in enforcing public health measures enacted to control the spread of Covid-19.

The broadcaster is of the view that throughout the extensive news coverage over the period of the Covid-19 pandemic, it has met and continues to meet the obligations to present the facts regarding the law on wearing face coverings, including the relevant exemptions. The broadcaster refutes the allegation that its reports have discriminated against individuals who are exempt from wearing face coverings. Further, the broadcaster does not consider that viewers would have been misled or misinformed by the report.

Decision of the Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to reject the complaint. The Committee's findings are set out below.

The Committee noted that the complaint was made under rules 4.1, 4.2, 4.17 and 4.19 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that current affairs content is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views. The Code further requires that news and current affairs content shall be presented with due accuracy and that facts or views are not misrepresented or presented in a misleading manner.

The Committee had regard for the points raised by the complainant, specifically the complainants view that failure to reference the exemptions to the legal requirement to wear masks rendered the item partial and misleading. The Committee noted that the report was about the powers that Gardaí have in relation to Covid-19 restrictions and, although the reporter referenced the powers in relation to wearing masks, the requirements regarding wearing masks were not the focus of the report. The Committee had regard for the broadcaster's editorial independence and noted that broadcasters have the freedom to choose the topics that are covered; the Code does not require all possible viewpoints or aspects of a topic to be covered, nor does the omission of a particular item or viewpoint automatically render a piece unobjective or partial. In this instance, the Committee considered that the item was a factual news report which was presented in a manner that was objective, impartial and without any expression of the broadcaster's own views. In addition, the Committee was of the view that the report was presented with due accuracy and did not consider that the content was misleading.

The Committee did not find evidence in the broadcast to support the matters raised by the complaint. Accordingly, the complaint was rejected.

Complaint Reference Number	**C5374**
Complainant	[redacted]
Station	RTÉ2
Programme Name	After School Hub
Broadcast Date	22nd October 2020
Broadcast Time	15:00 – 16:00
Programme Description	Educational programme aimed at children
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs: Rules 4.2, 4.17 and 4.19. Section 48(1)(b)(harm & offence); the BAI Code of Programme Standards – Principles 2, 5 and 6.

Complaint Summary

The complaint refers to an episode of the educational children's programme which focused on racism, aired during Black History Month in Ireland.

The complainant states that during a segment titled 'Let's Talk Racism', the presenter claimed that there have been black and brown people in Ireland for centuries. However, the complainant believes this to be historically inaccurate as it implies that black or brown people made up a significant proportion of the population throughout the centuries and that the multiracial society that now exists here, always existed. The complainant believes this to be inaccurate as Irish people are of predominately Gaelic, Celt and Norman ancestry.

Stating that, "there are black and brown scientists, doctors, lawyers, astronauts, sports stars, actors and singers" yet, "we rarely hear about them", the complainant believes this to be inaccurate as most viewers would know many black or brown sports stars, actors and singers but many children would not know any black or brown lawyers or astronauts. By then asking why we rarely hear about black or brown people in these fields, it infers that persons of other races are somehow the cause of this alleged racism.

As the presenter prefaced the broadcast with October being 'Black History Month' and with the recent Black Lives Matter protests, the complainant is of the view that this deemed the broadcast to be current affairs.

Broadcaster Response Summary

The broadcaster states that 'After School Hub' is a children's educational programme and does not constitute current affairs. It was self-evident that the piece was about explaining racism and was aimed at school going children as the presenter opened by saying, "hello boys and girls". As such, the Code of Fairness, Objectivity and Impartiality in News and Current Affairs does not apply.

In response to the aspect of the complaint which relates to Principle 2, the importance of context, the broadcaster notes that the State has a well-established intercultural education strategy in place for many years which is based on the principles of respect for diversity, inclusion and integration. Further, guidelines have been set out for primary and post-primary education. The broadcaster considers that the item was consistent with the ethos set out in the various available guidance and documentation and, as such, does not consider that there is merit for this complaint under Principle 2.

In response to the view that the programme failed to comply with Principle 5, which is concerned with respect for persons and groups in society, the broadcaster notes that the complainant is of the view that the presenter was suggesting that persons of certain races, other than black or brown, are racist. The broadcaster states that this is the opposite to what the presenter actually stated. During the broadcast, the presenter stated that people could consider that there is only one race in the world, which is the human race. The presenter stated that it is important that everyone is treated the same no matter what colour they are. The broadcaster contends that the piece was about explaining racism, at a level pitched at school children, and that the entire item was about demonstrating respect for persons and groups in society. It is the view of the broadcaster that there is no basis for this complaint under Principle 5.

The broadcaster had regard to the view of the complainant that the item infringed Principle 6, which aims to protect public interest. The broadcaster notes that the complainant believes that some information is factually inaccurate. However, the statement that black and brown persons have been in Ireland for centuries is factually accurate. The broadcaster maintains that there is no basis for the complaint under any Codes.

Decision of the Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to reject the complaint. The Committee's findings are set out below.

The Committee noted that the complaint was made under rules 4.2, 4.17 and 4.19 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that current affairs content is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views. The Code further requires that news and current affairs content shall be presented with due accuracy and that facts or views are not misrepresented or presented in a misleading manner. The complaint was also made under Principles 2, 5 and 6 of the Code of Programme Standards; Principle 2 acknowledges the importance of context, Principle 5 requires that persons and groups in society are represented in a manner which is appropriate, justifiable and does not prejudice respect for human dignity, and Principle 6 emphasises the importance of public interest in broadcasting.

The Committee considered the matters raised by the complainant in regard to the view that the item infringed the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Committee noted that the item in question was an item about racism which was aimed at children in the context of Black History Month, the Committee noted that the programme did not contain any

analysis of a current affairs issue. Rather, the item was an information piece regarding racism which was prepared and presented in a way that would be easily understood by children. As such, the Committee was of the view that the focus of the item did not constitute current affairs. As such, it was the view of the Committee that the Code of Fairness, Objectivity and Impartiality in News and Current Affairs did not apply.

The Committee considered the complainant's view in regard to the content of the segment and the appropriateness of its broadcast during a children's programme. The Committee decided the item was presented in a manner appropriate for the time of broadcast and the expected audience and, as such, it did not infringe Principle 2 of the Code of Programme Standards. The Committee did not consider that there was evidence in the broadcast to support the complainant's contention that the content was inaccurate or that it inferred that particular persons were racist. Principle 5 requires broadcasters to have respect for human dignity and to ensure that broadcast material does not stigmatise, support or condone discrimination or incite hatred against a particular group in society; the Committee noted that the item discussed racism and the negative effects of racism in an open manner which would be easily understood by children. Further, the presenter discussed her own experiences with racism and provided a positive view on the diversity of Irish society. It was the view of the Committee that the programme was inclusive and informative, which is in the public interest. The Committee did not find that the broadcast infringed the Code in the manner described by the complainant, rather, it was the view of the Committee that the broadcast aligned with both the spirit and letter of the Code of Programme Standards.

Complaint Reference Number	**C5377**
Complainant	[redacted], on behalf of [redacted]
Station	RTÉ One
Programme Name	Claire Byrne Live
Broadcast Date	5th October 2020
Broadcast Time	22:35
Programme Description	News and current affairs programme
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs: Rules 4.1 and 4.2. Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards – Principle 3.

Complaint Summary

The complaint relates to a segment in the programme in which the presenter and two guests received a flu vaccination.

The complainant acknowledged that an on-air reference was made to the presenter having completed the relevant paperwork prior to receiving the vaccination. However, the complainant noted that the interview failed to discuss either informed consent or the package information leaflet during the course of the segment.

The complainant cites several instances of key information being omitted from the programme, including the recipient of the vaccine not being asked to check the expiry date of the vaccine or to sign a consent form. Additionally, the complainant notes that the pharmacist who administered the vaccine failed to advise viewers that the flu vaccine is a black triangle product, which means it is subject to additional monitoring. The complainant noted that no post-vaccination advice was provided to those who received the vaccination, nor were they provided with a copy of the package leaflet for review. The complainant also considers that the pharmacist dismissed adverse reactions without advising either viewers or participants that they should read the package information leaflet. Further, the complainant considers that the programme contained claims that the vaccine can prevent the flu but does not believe that this claim has been proven.

Additionally, the complainant believes that a reference by the pharmacist to having given nasal flu vaccine to two or three children implied that it was normal practice, similar to handing out sweets. However, the complainant states that it is important for any parents to make themselves aware of the content of vaccines and to consult with their GP if considering getting their children vaccinated.

Broadcaster Response Summary

The broadcaster states that it was clear from the outset what the programme content would be in respect of the rollout of remote vaccinations and how this would work in the context of changes

regarding the laws for administering vaccinations, particularly in the context of Covid-19. It is the contention of the broadcaster that viewers were shown a demonstration of the presenter and two guests receiving the vaccine, however, this did not purport to be a detailed examination of the step-by-step process of getting a flu vaccine.

The broadcaster states that the complainant is incorrect in his views regarding informed consent. It is the view of the broadcaster that it was made clear to viewers that the presenter gave informed consent, having gone through the appropriate steps prior to coming on air. For avoidance of doubt, the broadcaster confirms that consent forms were issued and signed prior to the programme. The broadcaster also confirms that the forms included an acknowledgement that the signatories had read the vaccination leaflet, had the opportunity to ask questions and understood the possible side effects. The pharmacist dealt directly with the presenter and guests in preparation for the programme and remained for the appropriate amount of time after administering the vaccine.

The broadcaster is of the view that the correct process was followed, and viewers would have readily understood that this was the case and that they would go through a similar procedure with their health care provider should they get a vaccination. The broadcaster notes that the programme was broadcast post-watershed to an adult audience.

In addition, the broadcaster notes that the pharmacist did not claim that the vaccine can prevent flu. Additionally, the broadcaster states that the pharmacist noted that some people may have a reaction, most commonly skin reactions. The broadcaster contends that the broadcast would not lead viewers to believe they could walk in off the streets and get a vaccine without checks, procedures or information regarding the process involved.

It is the view of the broadcaster that the broadcast fully complied with all statutory and regulatory provisions and believes there is no basis for the complaint.

Decision of the Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to reject the complaint. The Committee's findings are set out below.

The Committee noted that the complaint was made under rules 4.1 and 4.2 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that current affairs content is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views. The complaint was also made under Principle 3 of the Code of Programme Standards, which aims to protect audiences from harmful content.

The Committee had regard for the matters raised by the complainant with regards to the view that the item infringed the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Committee noted that the item in question related to administering vaccines, with a focus on the flu vaccine. While the Committee noted that vaccinations are often the subject of news or current affairs programming, particularly in the context of Covid-19, the Committee noted that the programme did

not contain any analysis or debate about the merits or drawbacks of vaccines. Rather, the programme was a factual discussion regarding how vaccinations may be administered. As such, the Committee was of the view that the focus of the item was an information piece and did not constitute a current affairs item. As such, it was the view of the Committee that the Code of Fairness, Objectivity and Impartiality in News and Current Affairs did not apply.

With regard to the view of the complainant that this broadcast infringed Principle 3 of the Code of Programme Standards, the Committee had regard to the various matters raised by the complainant, including: failure to obtain the consent of the recipients of the vaccine or ask recipients to check the expiry date of the vaccine; failure to mention the package information leaflet or the fact that the vaccine is a black triangle product; and, failure to provide post-vaccination care advice. The Committee noted that broadcasters are required to take care to ensure audiences are not exposed to harmful content and must provide information to audiences to allow them to make informed choices about what they listen to and watch. The Committee noted that the item was introduced in the context of new measures that allowed vaccinations to be administered in drive-in vaccination centres. The Committee noted the item was introduced in a clear manner and audiences were likely to understand the nature of what they were viewing. The Committee had regard to the information included in the broadcast and noted that the presenter and pharmacist stated at the beginning of the broadcast that all necessary paperwork had been undertaken, which was also repeated later in the broadcast prior to the administration of the flu vaccine to two guests. The Committee considered that, based on the content of the broadcast, audiences would reasonably understand that the necessary paperwork, including consent, was undertaken prior to the broadcast. The Committee further noted that this was confirmed in the response submitted by the broadcaster.

The Committee also considered the view of the complainant that the pharmacist dismissed an adverse reaction query, however, the Committee noted that reactions were discussed during the programme.

The Committee did not consider that there was anything in the broadcast that was harmful to audience members. In addition, the Committee considered that the audience was provided with sufficient information to understand the nature and type of content which was broadcast.

Rejected by Executive Complaints Forum

Complaint Reference Number	**C5379**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Liveline
Broadcast Date	27th October 2020
Broadcast Time	13:45
Programme Description	Daily phone-in chat show
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs: Rule 4.1.

Complaint Summary

The complaint refers to insufficient time being given to some callers to refute allegations made against President Trump.

The complainant claims that in the run up to the US Presidential Election, a discussion took place which was not fair or objective. The complainant believes that contributors were allowed to make allegations about Trump and the presenter prevented other contributors from responding to, or disagreeing with, these comments.

One of the topics discussed was child migrants being placed in cages at the US-Mexico border. The complainant believes that, during this discussion, an allegation was made that President Trump set up cages for holding migrant children at the US-Mexico border during his term of office. The complainant states that this claim was repeated later in the programme. It is the view of the complainant that this claim is incorrect and that historical records show that these cages were in place during the Obama/Biden Administration and were inherited by President Trump. The complainant believes that these allegations would impact negatively on listeners' opinions, who would consider the action of putting children in cages as severe and cruel on young children. The complainant believes that this would prompt American voters to vote for Joe Biden.

It is the view of the complainant that callers to Liveline who supported President Trump were interrupted by the presenter and could not defend against the allegations being made about President Trump. The complainant believes that the direct intervention of the presenter prevented contributors from correcting falsehoods. The complainant is of the view that the presenter displayed bias and considers that the programme favoured Joe Biden over President Trump.

Broadcaster Response Summary

The broadcaster states that Liveline is a caller-driven programme and it is the role of the presenter to facilitate the discussion among callers to the programme and to challenge views where necessary. The programme began by featuring two callers, one in support of President Trump and one against. The broadcaster maintains that the caller in support was given ample time, without interruption, to

put forward his reasons as to why he was voting for President Trump. The caller who supported Joe Biden also outlined his reasons for doing so and raised the issue of children in cages. The broadcaster states that the presenter then invited the pro-Trump contributor to respond, however, the presenter limited his response as the contributor sought to go into the detail regarding the cages. The presenter informed the contributors and listeners that the topic of cages was dealt with on a previous programme and was not the topic up for discussion. However, the presenter invited the pro-Trump contributor to respond to other points raised by the pro-Biden contributor.

The broadcaster notes that this topic was raised again during the programme and there was some argument between callers, with contributors on both sides being allowed to express their views. The broadcaster is of the view that the complainant is incorrect in their description of the discussion. The broadcaster states that the initial reference was to the administration putting children in cages, however, the caller did not state that President Trump had built cages. The second reference to cages involved an exchange of views between callers of different opinions.

The broadcaster states that programme presenters have latitude over how they conduct interviews, in the context of the nature of the programme and the style of the individual presenters. The broadcaster notes that the presenter is known for robust interviews, for putting forceful and challenging statements to callers to elicit their response. The broadcast noted that the programme featured contributors in support of both President Trump and Democratic candidate Joe Biden. It is the view of the broadcaster that the piece was fair, robust and moderated by the presenter in a way that allowed both sides to set out their views.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted that the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rule 4.1. The Code requires that news and current affairs content shall be presented in an objective and impartial manner and that the broadcast treatment of news and current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned.

The Forum noted that the complainant takes exception to time allocated to callers in support of Donald Trump, in particular, on the topic of child migrants being placed in cages on the US-Mexican border. The Forum acknowledged that presenters of current affairs programmes play a crucial role in ensuring objective and impartial coverage of matters of current debate or controversy. The Forum noted that the topic of the presidency of Donald Trump has been explored several times by Liveline, covering many different aspects of the subject. However, the Code acknowledges that some current affairs programmes are synonymous with personalities and, in this case, the style of the programme and presenter are key factors in engaging the audience. The Forum noted that the presenter's style is well known, and listeners are likely to expect to hear forceful views offered by the presenter. The Forum noted that, while the topic of cages on the US-Mexican border was discussed during the programme, this was not the focus of the programme. The presenter clearly stated that the

programme had previously explored the use of cages along the US-Mexican border and emphasised that this topic was not being explored in detail during this specific broadcast. The Forum noted that, in doing this, the presenter was facilitating the discussion in the context of the chosen topic. The Forum was of a view that a range of matters regarding President Trump were discussed, sometimes robustly, and considered that callers were given ample time to put across their viewpoints. The Forum noted that a diverse range of viewpoints were explored and that the input of the presenter was aligned with his usual style and the tone of the programme.

The Forum did not find evidence in the broadcast to support the view of the complainant that the presenter displayed bias, or that the programme was unfair, unobjective or partial. As such, the complaint was rejected.

Complaint Reference Number	**C5383**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Today with Claire Byrne
Broadcast Date	22nd October 2020
Broadcast Time	11:15am
Programme Description	Current affairs programme featuring stories of the day broadcast each weekday morning 10am-12pm
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards – Principles 5 and 6

Complaint Summary

The complaint refers to an interview with an entrepreneur who took out a full-page advertisement in the Irish Times advocating a strategy for lifting all Covid-19 restrictions. The advertisement in the newspaper also directed readers towards a website promoting the Great Barrington Declaration, which advocates a policy of shielding vulnerable people while allowing the rest of the population to pursue herd immunity. The complainant is of the view that this broadcast is one example, of many, in which the broadcaster allows far-right, damaging ideology to feature in its programming. The complainant links this to two other broadcasts, which are the subject of complaint: references C5384 and C5385.

The complainant is of the view that the programme provided a platform for the interviewee to express harmful views. The complainant states that the Great Barrington Declaration theory, which has been discounted, contravenes public health advice. As such, the complainant is of the view that the content of the interview endangered public health, was irresponsible and against public interest. The complainant also considers that the ideology expressed by the interviewee supports the isolation of vulnerable people in society which infringes the requirement for broadcast content to have respect for persons and groups in society.

Overall, the complainant believes that this interview supports the isolation of vulnerable persons in society and, at the same time, undermines the authority of the State by advocating the lifting of the Government's restrictions in respect of Covid-19. The complainant considers that the broadcaster infringed Principles 5 and 6 of the Code of Programme Standards.

Broadcaster Response Summary

The broadcaster states that during this interview the presenter repeatedly challenged the interviewee on several issues raised. The broadcaster notes that, at times, the exchanges became robust and heated, and states that the presenter challenged the interviewee with regard to cherry picking facts. The broadcaster contends that, far from giving the interviewee a platform, the presenter challenged him on every aspect of the advertisement placed in the Irish Times. The broadcaster states that the interview was immediately followed by a professor, who provided alternative viewpoints. The broadcaster states that the broadcast was in the public interest as it protected public health guidelines and facilitated a debate on an important public issue.

The broadcaster does not believe that the broadcast infringed the Code in the manner specified by the complainant.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Programme Standards, Principles 5 and 6. The Code requires that the manner in which persons and groups in society are represented shall be appropriate and justifiable and not prejudice respect for human dignity. The Code also requires that broadcasters protect the public interest.

The Forum had regard to the complainant's belief that the views offered by the interviewee were damaging to public health. The Forum further considered the complainant's contention that the presenter gave the interviewee a platform for his far-right ideological views which she believes were not in the public's best interests. The Forum acknowledged that presenters of current affairs programmes play a crucial role in ensuring objective and impartial coverage of matters of current debate or controversy. The Forum also noted that the ongoing pandemic is a matter which has serious implications for the health of the public and, as such, discussions regarding this matter should be treated with due care. However, the Forum noted that the presenter adopted a robust interview style and challenged the views of the interviewee in a manner that was appropriate and ensured a range of viewpoints were explored. The Forum noted that audiences are likely to be familiar with the style of the programme and the content was in line to the likely audience expectation. The Forum found no evidence in the broadcast to support the views of the complainant and further, the Forum did not consider that the programme infringed the Code. As such, the complaint was rejected.

Complaint Reference Number	**C5384**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Prime Time
Broadcast Date	27th October 2020
Broadcast Time	21:35
Programme Description	Current affairs programme broadcast twice weekly
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards – Principles 5 and 6

Complaint Summary

The complaint refers to a report regarding herd immunity as a response to Covid-19. The complainant is of the view that this broadcast is one example, of many, in which the broadcaster allows far-right, damaging ideology to feature in its programming. The complainant links this to two other broadcasts, which are the subject of complaints: references C5383 and C5385.

The complainant states that the report on the programme amplified The Great Barrington Declaration without challenge. The complainant states that The Great Barrington Declaration has been discounted by experts worldwide, including the World Health Organisation (WHO). The complainant further states that the concept of herd immunity has been described as scientifically and ethically problematic by the WHO and by the Chief Medical Officer.

The complainant states that through the broadcast of unchallenged interviews, the broadcaster offers a platform for harmful ideology, which is linked to far-right ideas of white supremacy, racism and eugenics. The complainant maintains that the process of providing balance in journalism should not include racism, hate-inducing ideology or anti-democratic rhetoric. In addition, the complainant believes that the inclusion of unsubstantiated or disputed claims causes harm to groups in society.

The complainant believes that the report emphasised and encouraged beliefs and behaviours that are harmful and did not comply with Principles 5 or 6 of the Code of Programme Standards.

Broadcaster Response Summary

The broadcaster states that the report pointed out the proponents of the Great Barrington Declaration, who are well-respected scientists in their own right, including three public health experts from Oxford, Stanford and Harvard universities. The report included an interview with a professor from Harvard, who outlined his views regarding the Great Barrington Declaration, however, these views were challenged by a representative from WHO and a Professor from Trinity College Dublin.

The broadcaster does not believe that there is evidence in the broadcast to support the view of the complainant that the views advocating the Great Barrington Declaration went unchallenged. The broadcaster states that the report examined the proposal of herd immunity and provided viewers with a range of scientific expertise, including those who fundamentally disapprove. The broadcaster

believes it is key to note that the reporter stated that it is impossible to achieve herd immunity in Ireland and emphasised that the vaccine is key to the government's strategy for dealing with Covid-19. The broadcaster notes that the report was followed by a studio interview with a number of experts, one of whom stated that herd immunity was discredited.

The broadcaster maintains that the report and subsequent discussion were thorough, fair and in the public interest. It is the view of the broadcaster that the broadcast was fully compliant with all statutory and regulatory provisions and considers the complaint to be baseless.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Programme Standards, Principles 5 and 6. The Code requires that the manner in which persons and groups in society are represented shall be appropriate and justifiable and not prejudice respect for human dignity. The Code also requires that broadcasters protect the public interest.

The Forum noted that the complaint related to a discussion about current events on the Covid-19 pandemic. The Forum had regard to the complainant's belief that the views offered in the report were potentially damaging to the public's health. The Forum further considered the complainant's contention that the far-right ideology put forward via The Great Barrington Declaration does not serve the public's well-being and this has been seen as problematic by the World Health Organisation. The discussion regarding herd immunity went unchallenged by the presenter. The Forum noted that the ongoing pandemic is a matter which has serious implications for the health of the public and, as such, discussions regarding this matter should be treated with due care. However, the Forum had regard to the contributions from the various participants and noted that pros and cons of The Great Barrington Declaration were discussed. Additionally, there was various contributions regarding the rollout of the various vaccines available to help bring the pandemic under control.

The Forum noted that a wide range of views were explored, and the presenter asked and challenged the views presented. Overall, the the Forum found no evidence in the broadcast to support the views of the complainant that the programme infringed the Code. As such, the complaint was rejected.

Complaint Reference Number	**C5385**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Drivetime
Broadcast Date	3rd November 2020
Broadcast Time	16:30
Programme Description	Current affairs programme broadcast each weekday.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards - Principles 5 and 6.

Complaint Summary

The complaint refers to an interview with Stephen Bannon, former campaign manager and White House Chief strategist for President Trump. The complainant is of the view that this broadcast is one example, of many, in which the broadcaster allows far-right, damaging ideology to feature in its programming. The complainant links this to two other broadcasts, which are the subject of complaint: references C5383 and C5384.

The complainant takes issue with the manner in which the presenter treated Stephen Bannon who, the complainant contends, is a known fascist who has been banned from social media for inciting hatred. The complainant notes that the presenter was extremely gracious and welcoming when interviewing Stephen Bannon and believes that this is another example of the broadcaster giving a platform for hate speech and normalising fascist ideology.

The complainant considers that the programme infringed Principles 5 and 6 of the Code of Programme Standards, due to the interview giving support to and legitimising hate speech, racism, anti-LGBT, and other fascist views.

Broadcaster Response Summary

The broadcaster states that the broadcast did not infringe Principles 5 and 6 of the Code of Programme Standards. The broadcaster states that the interview took place in the context of polling day in the US Election; the presenter repeatedly challenged Stephen Bannon and states that the exchanges became robust and heated, particularly in relation to the interviewee's advice that President Trump should declare victory before postal ballots were counted.

The broadcaster states that journalism is about examining, exploring and challenging a wide range of views, including views that some find unacceptable. The broadcaster considers that this is a fundamental part of public service broadcasting and solid journalism. The broadcaster does not believe that the complaint is based on the actual content of the broadcast, as such, it is baseless.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Programme Standards, Principles 5 and 6. The Code requires that the manner in which persons and groups in society are represented shall be appropriate and justifiable and not prejudice respect for human dignity. The Code also requires that broadcasters protect the public interest.

The Forum had regard to the complainant's belief that the views offered by the White House Chief strategist for President Trump should not be given a platform by the national broadcaster and the broadcaster be not so amiable to the interviewee. The interviewee is known for his far right and damaging ideology and has been banned from social media for inciting hatred.

The Forum had regard to the interview with a known aide to President Trump ahead of the upcoming US Election. The Forum had regard to the contributions from the interviewee and took into consideration the editorial decision of the broadcaster to hold this interview. The Forum also determined that the presenter, far from being gracious to his guest, noted the discussion was quite heated and the presenter asked robust and challenging questions in respect of the topic under discussion.

The Forum found no evidence in the broadcast to support the views of the complainant that the programme infringed the Code. As such, the complaint was rejected.

Complaint Reference Number	**C5387**
Complainant	[redacted]
Station	RTÉ2
Programme Name	Film: Gone Girl
Broadcast Date	10th November 2020
Broadcast Time	21:30
Programme Description	Film: Gone Girl
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards – Principles 1, 3 and 4.

Complaint Summary

The complaint refers to a scene in the movie that portrays sexual violence.

The complainant objects to the broadcast of this movie based on a sexually violent scene in which the lead female character murders a man by slitting his throat while they are having sex. The complainant states that the woman was semi-naked and covered in blood for approximately ten seconds. The complainant believes that this level of violence, particularly during a sex scene, is unacceptable regardless of the gender of the murderer. The complainant notes that this was aired after the watershed, however, the violence was still shocking and considers that children could be watching films in the evening.

The complainant considers that this scene was unacceptable for public broadcasting and caused him undue offence. The complainant states that he did not see the start of the film and, as such, did not know what to expect. However, it is the contention of the complainant that the warning was not strong enough considering the content in question. The complainant also believes that the content caused him harm as the scene was so unpleasant and was not suitable for broadcast at any time.

Broadcaster Response Summary

The broadcaster states that this film was broadcast post watershed at 21:30 and was intended for adult viewing. The broadcaster notes that the broadcast was preceded by a warning, which stated that the film contained strong language and scenes of sex and violence. In addition, the broadcaster notes that the opening line of the movie is, “When I think of my wife, I always think of the back of her head. I picture cracking her lovely skull, unspooling her brain, trying to get answers.” The complainant believes that the warning coupled with the opening line clearly indicated that the film contained material suitable for adults only.

In terms of the harm and offence, the broadcaster states that viewers were provided with sufficient information as to the nature of the film. As such, the broadcast cannot be considered as causing undue harm. The broadcaster notes that the complainant was left with a bad memory from the film, however, as the broadcaster provided sufficient information regarding the content of the film, viewers could make an informed decision to watch or not watch the film.

In response to the complainant's claim that the broadcast could be seen by children, the broadcaster states that the film was aired after the watershed and notes that the scene in question was aired at 23:50. The broadcaster believes it is entirely reasonable for a broadcaster to provide programming of this kind to an adult audience.

The complainant does not consider that broadcasting this film infringed the requirements of the Code of Programme Standards.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted that the complaint is submitted under the Code of Programme Standards – Principles 1, 3 and 4. The Code requires that programme material has respect for community standards, that viewers are protected from harm and children are protected from material unsuitable for them.

The Forum noted the concerns of the complainant in respect of this movie and the level of violence featured in a specific scene. The Forum was mindful of audience expectation, however, it noted that a warning was broadcast before the film was aired, which stated that there would be strong language and scenes of a sexual and a violent nature. The Forum had regard for the type of channel and the time of broadcast, noting that it was broadcast after the watershed, with the specific scene broadcast close to midnight. In addition, the Forum noted that that the broadcaster had provided sufficient information to audiences and it is likely that audiences would have expected adult content and some violence.

The Forum did not consider that the broadcast infringed the Code of Programme Standards in the manner described by the complainant. As such, the complaint was rejected.

Complaint Reference Number	[redacted]
Complainant	Eoin Ó Nualláin
Station	RTÉ One
Programme Name	Nine O'Clock News
Broadcast Date	27th October 2020
Broadcast Time	21:00
Programme Description	News and Current affairs programme broadcast each weekday evening.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - Rule 4.1.

Complaint Summary

The complaint refers to a segment on the news regarding the US Presidential Election. The complainant takes issue with a comment made by the news presenter.

The complainant states that during a report regarding the US Presidential Election, the Washington correspondent referenced the support which President Biden received from Irish Americans and showed a clip in which a group of people sing songs in support of President Biden and chanted, "Irish Americans for Biden." At this point, the report cut back to the studio and the presenter said, "we'll all be singing that for the next week, Brian." The complainant believes that this shows clear bias by the presenter in favour of President Biden.

Broadcaster Response Summary

The broadcaster states that the report was in three parts: the first part was a live interview with the Washington correspondent; the second part was a packaged report about the approach adopted by both candidates; and, the final part was a second live interview with the Washington correspondent. The broadcaster states that the item which is the subject of the complaint featured at the beginning of the third segment when, in response to the packaged report which featured a group of people singing "Irish Americans for Biden", the presenter commented that, "we'll all be singing that for the next week, Brian." The broadcaster states that this was a reference to the fact the presenter was returning to the Washington correspondent for further questions. The broadcaster considers that this was an off-the-cuff comment in response to the humorous, catchy musical piece. The broadcaster states that this was not intended as a political endorsement of one candidate; the broadcaster believes that this is clear when the entire segment is viewed as a whole.

The broadcaster states that the live interview and the packaged report were impartial and objective. The broadcaster further contends that, when looked at in its totality, it is clear there was no breach of the rules regarding objectivity and impartiality. It is clear the presenter, in her opening and closing questions, reflected what was seen as a good election day for President Trump, stating that he had received a boost. The broadcaster believes there is no basis to uphold this complaint on any grounds cited or under any provision of broadcasting legislation or regulatory code.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted that the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rule 4.1. The Code requires that news and current affairs content shall be presented in an objective and impartial manner and that the broadcast treatment of news and current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned.

The Forum noted that the complainant takes issue with a news report ahead of the US Presidential Election in which a report featured a song in support of the Presidential candidate Joe Biden. The complainant is of the view that a comment made by the in-studio news presenter displayed bias towards Joe Biden. The Forum noted that the news was a factual report which provided an overview of both candidates ahead of the U.S. Presidential Election and showed pros and cons of their respective campaign strategies. Towards the end of the report there was a group of online Irish Americans singing “Irish Americans for Biden” and the Forum considered that the presenter made a throwaway comment in response to this. The Forum acknowledged that the comment could be interpreted differently by different audience members, however, it was the view of the Forum that the presenter’s comment was made in a jocular fashion. The Forum did not consider that the comment reflected bias on the part of the broadcaster or that it constituted a personal view being expressed by the presenter. The Forum was of the view that, on balance, the report was impartial and objective, and gave a factual account of both candidates in the week leading up to the Presidential Election.

The Forum found no evidence in the broadcast to support the views of the complainant that the programme infringed the Code. As such, the complaint was rejected.

Complaint Reference Number	**C5391**
Complainant	[redacted]
Station	RTÉ Raidió na Gaeltachta
Programme Name	Nead na Fuiseoige
Broadcast Date	2nd December 2020
Broadcast Time	07:00
Programme Description	Music-driven programme broadcast weekdays
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm & offence); the BAI Code of Programme Standards – Principles 1 and 6.

Complaint Summary

The complaint refers to a song played on Raidió na Gaeltachta.

The complainant objects to a song played at 07:00 called 'Caite Faoin Gcarr Asail'. The complainant believes that the words amount to a party political broadcast and should not be played by a publicly funded broadcaster.

Broadcaster Response Summary

The broadcaster states that while the song references Mary Lou McDonald, T.D., it is comedic and aimed to satirise the events of the summer of 2020. It is a light-hearted commentary on the politics of a very different and unique year.

The broadcaster adds that the singer/songwriter is well-known man from the Connemara region. Raidío na Gaeltachta was given the track as a preview of his new album. When the local community heard that he had a new song, the station received numerous requests for it to be played. The song is in the genre of political satire, however, the broadcast of this song does not constitute a party political broadcast.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted that the complaint is submitted under the Code of Programme Standards – Principles 1 and 6. The Code requires that programme material respects community standards and provides for the protection of the public interest.

The Forum noted the concerns of the complainant that the lyrics of a song played amounted to a party political broadcast by a publicly funded broadcaster. However, the Forum was of the view that the broadcast in question did not constitute a party political broadcast. The Forum further noted that the broadcast in question contained a satirical song by a local musician, well-known in the Connemara region. It was the view of the Forum that audiences were likely to have understood that

the song was political satire and did not consider that this broadcast infringed the requirements of the Code of Programme Standards.

The Forum was of the view that this was not a party political broadcast and did not infringe the Code of Programme Standards in the manner described by the complainant. As such, the complaint was rejected.

Complaint Reference Number	**C5396**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Six One News
Broadcast Date	14th December 2020
Broadcast Time	18:01
Programme Description	News and Current affairs programme broadcast each weekday evening.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs: Rules 4.1, 4.17, 4.19 and 4.20.

Complaint Summary

The complaint refers to a report regarding the results of the US Presidential election which, the complainant alleges, is inaccurate and biased. The complainant cites comments made by the presenter, the RTÉ Washington correspondent and a contributor, in which they stated that there was no evidence to support President Trump's claim of voter fraud in the 2020 US Presidential Election.

The complainant is of the view that the multiple claims made during the report regarding the veracity of Trump's claim of voter fraud rendered the report inaccurate and biased. The complainant stated that there are multiple eyewitnesses who have sworn affidavits and presented evidence of voting irregularities. The complainant contends that a comment made by former Governor of New Jersey, in which he stated that a lawsuit taken by the state of Texas in connection with election irregularities, was thrown out by the Supreme Court due to a lack of evidence, was incorrect. While the complainant noted that the lawsuit was rejected by the Supreme Court, he states that the judgement of the Supreme Court did not refer to a lack of evidence. The complainant claims that the broadcaster made no effort to challenge or correct this statement.

The complainant believes that the report was misleading and demonstrated bias on the part of the broadcaster.

Broadcaster Response Summary

The broadcaster states that good reporting is not just about repeating what someone says, rather it is necessary to put the information in context for the viewer, so that they are not being misled. The broadcaster is of the view that by simply repeating the President's claim of voter fraud, without clarifying for the viewer that nothing has been proven, would be a disservice to the audience.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs – Rules 4.1, 4.17, 4.19 & 4.20. The Code requires that news and current affairs content shall be presented in an objective and impartial manner and that the broadcast treatment of news and current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and is presented with due accuracy, should not be misleading and audiences are given a wide variety of views on the subject.

The Forum noted that the complainant takes exception to comments made during the 6.01 News report regarding the outcome of the US Presidential Election when it was reported that there was no evidence to support President Trumps' claims of voter fraud. The complainant is of the view that this is inaccurate as there had been plenty of eyewitnesses, with sworn affidavits of voting irregularities, prior to the Election.

The Forum noted that this report focused on a meeting of the Electoral College later that evening, which was expected to confirm Joe Biden's election. The Forum further noted the inclusion of information regarding the report of Donald Trumps' claims of voting irregularities was relevant to the report. The Forum noted that the US Supreme Court had rejected a legal challenge by the Trump administration, citing lack of evidence of voter fraud. The Forum believed that by omitting this important information it would have been a disservice to the audience in the context of the overall report and its freedom to make relevant editorial decisions.

The Forum was of a view that the report provided factual details of relevant current information in relation to the USA Election. The Forum found no evidence in the broadcast to support the views of the complainant that the news report displayed bias, unfairness, was unobjective or partial or that it breached Rules 4.1, 4.17, 4.19 and 4.20. As such, the complaint was rejected.

ÚDARÁS CRAOLACHÁIN NA hÉIREANN | BROADCASTING AUTHORITY OF IRELAND

Broadcasting Authority of Ireland
Broadcasting Complaints Decisions

July 2021

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Rejected by the Executive Complaints Forum

BAI Complaints Handling Process

Viewers and listeners to Irish television and radio can complain about broadcasting content which they believe is not in keeping with the standards provided for in relevant provisions of the Broadcasting Act 2009 and/or the Broadcasting Authority of Ireland's Codes. Complaints are required to identify the relevant programme or commercial communication and the related date and time of broadcast. The complainant is asked to explain what it is about the broadcast that has led them to make a complaint and why the programme material or commercial content does not comply with the relevant legislation or BAI Codes. The Codes may be found on the BAI's website: www.bai.ie, by emailing info@bai.ie or by phoning the BAI on 01 644 1200.

In general, the viewer or listener should direct their complaint to the broadcaster in the first instance and in the manner set out in the broadcaster's Code of Practice for Handling Complaints, a document which each broadcaster is required to have available on its website. If a complainant is not satisfied with the response from the broadcaster or if the broadcaster does not respond within the timeframe provided for in their Code of Practice (usually 21 days), then the complaint may be referred to the BAI for consideration.

In assessing complaint referrals, the BAI has regard to the relevant legislation and Codes, the written material submitted by the relevant parties, together with the broadcast material. Complaints are assessed by the Executive Complaints Forum or by the Compliance Committee of the BAI. Further information may be found on the complaints handling section of the BAI's website: www.bai.ie.

This document contains copies of the most recent complaints decisions made by the Compliance Committee and the Executive Complaints Forum. The decisions concern whether a programme or a commercial communication did or did not comply with the relevant legal requirements and/or Codes. The decisions do not constitute endorsement or support for the views of any party to a complaint nor do they address every aspect of a complaint submission. The BAI does not carry out a separate or independent assessment outside of the matters raised in the complaint.

During the period from March to May 2021, 28 complaints were considered by the Compliance Committee of the BAI; nine (9) complaints were upheld in part[1], eight (8) complaints were upheld and 11 were rejected. In addition, the Executive Complaints Forum considered and rejected 19 complaints. The decisions of the Compliance Committee were reached at its meetings held on 3rd March, 31st March and 14th April 2021. The decisions of the Executive Complaints Forum were reached at meetings held on 30th March, 13th April, 27th April and 12th May 2021.

1 One decision by the Compliance Committee concerned four (4) complaints (refs: C5411, C5421, C5422 and C5423) which were considered together. Two (2) of these complaints were upheld in part. There is one written decision for all four complaints, which can be found in the 'Upheld in part by the Compliance Committee' section of this document. A separate decision by the Compliance Committee concerned three (3) complaints (refs: C5446, C5447 and C5448) which were considered together. One (1) of these complaints was upheld in part. There is one written decision for all three complaints, which can be found in the 'Upheld in part by the Compliance Committee' section of this document.

Upheld by Compliance Committee

Complaint Reference Number	**C5443**
Complainant	[redacted]
Station	RTÉ One
Programme Name	NYE Countdown Show
Broadcast Date	31st December 2020
Broadcast Time	22:45
Programme Description	New Year's Eve Countdown programme, featuring a variety of guests
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); **the BAI Code of Programme Standards - Principle 1** (Respect for Community Standards), **Principle 2** (Importance of Context) and **Principle 5** (Respect for Persons and Groups in Society)

Complaint Summary

The complaint relates to a satirical news sketch concerning God being convicted of sexual crimes.

The complainant states that she found this Waterford Whispers' sketch to be offensive in the extreme and it appeared to be an intentional and targeted insult directed at a group of people who hold Christian beliefs. The complainant also noted the fact that the sketch was pre-recorded and commissioned in advance, which means this could not have been a mistake on the night.

The complainant believes the sketch was broadcast with a total disregard to a core religious belief of a section of society. Furthermore, a former RTÉ news reader lent credence to the so called "comic skit" of a news sketch, using words like "impregnating against her will" and "young migrant girl". The complainant states that if this had targeted another group in society like black, Muslim, Jewish and Hindu people or members of the Traveller and LGBT communities, there would have been a stampede to the airwaves to condemn it.

The complainant states that she finds it incredible that a major organisation with numerous layers of programme makers, producers, editors, etc., saw nothing wrong with this item and allowed it to be broadcast. The complainant maintains that this programme was broadcast on a night when Irish audiences were asked to remain in their own homes, due to the Covid restrictions, and therefore the potential audience and age profile would have been larger and more diverse than usual.

Broadcaster Response Summary

The broadcaster states that this sketch was reviewed by the RTÉ Editorial Standards Board and on 7th January 2021 a statement was issued by RTÉ on foot of the findings of the Board.

The Board found the sketch did not comply with specific statutory and regulatory provisions and as a result, RTÉ has made a voluntary disclosure of non-compliance to the Broadcasting Authority of Ireland. This means that RTÉ decided not to contest the complaints that were received.

An apology from the Director General of RTÉ, Dee Forbes, was published on 7th January 2021 and was carried across the broadcaster's news programmes and its website. It stated: "We accept the findings of the Editorial Standards Board that this sketch was not compliant with our own guidelines or with our obligations under the relevant codes. On behalf of RTÉ, I fully apologise for that. We will now review the processes involved and engage constructively with the BAI."

After the Editorial Standards Board found the sketch to be non-compliant, RTÉ, in addition to asking the Board to review the production process, also decided to remove the sketch from the RTÉ Player and to broadcast an apology, with due prominence. The apology was broadcast before the Nine News on 9th January 2021, a slot with an audience comparable to that of the New Year's Eve Countdown Show.

Decision of the Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to uphold the complaint. The reasons for the Committee's decision are set out below.

The complaint is regarding a satirical news sketch on the New Year's Eve Countdown Show about God being, "the latest figure to be implicated in ongoing sexual harassment scandals." The report shows a scene outside a courthouse of a Garda manhandling a handcuffed person, dressed to appear as God, into a police van, while he shouts, "That was two thousand years ago." The news reader states, "The five-billion-year-old stood accused of forcing himself on a young Middle Eastern migrant, allegedly impregnating her against her will, before being sentenced to two years in prison, with the last twenty-four months suspended." Directly following the sketch, an image of Harvey Weinstein is shown on screen.

The Committee noted that the complaint was also made under the following principles of the Code of Programme Standards:

- Principle 1 (Respect for Community Standards) requires broadcasters to take into account a range of issues covered in programme material, including attitudes to specific language terms and the use of violent imagery and sexual content;
- Principle 2 (Importance of Context) acknowledges the harm and offence that may be caused by the context in which programme material is viewed or heard or because the material is not in line with the audience's expectations; and,
- Principle 5 (Respect for Persons and Groups in Society) requires that persons and groups in society are represented in a manner which is appropriate, justifiable and does not prejudice respect for human dignity, which includes showing due respect for religious views, images, practices and beliefs.

The broadcaster submitted a voluntary disclosure to the BAI, further to 4.B of the BAI Compliance and Enforcement Policy, in relation to the broadcast of this programme. The voluntary disclosure stated that the programme item, which is the subject of this complaint, did not comply with the following legislative and regulatory provisions:

- Section 39(1)(d) of the Broadcasting Act 2009, which corresponds to provisions of Section 48(1)(b) of the Broadcasting Act 2009, concerning offence;
- The provisions of the Code of Programme Standards in relation to material that causes "undue offence"; and,
- Principle 5 (Respect for Persons and Groups in Society) of the Code of Programme Standards, regarding "due respect" for religious beliefs.

The Committee discussed the manner in which the sketch linked a religious figure and religious beliefs with sexual violence and criminality. The Committee concluded that the treatment of these ideas in the programme did not respect general community standards and the likely offence caused to the audience was not, in this instance, justified for creative, editorial or any other reasons. As such, the Committee decided the programme content did not comply with Principle 1 of the Code.

In considering the contextual factors related to the programme and its broadcast, the Committee noted that the editorial brief for the programme described the New Year's Eve slot as "shared family viewing time" and it would be reasonable to expect more children in the audience on New Year's Eve night than any other night. In addition, audiences would expect a programme of this nature and in this slot to have a broad, cross-generational appeal and to not include satire of religious figures or beliefs or include references to sexual violence and sexual crimes. The Committee also noted that the likely audience for this programme would be larger in comparison to previous New Year's Eve nights because of the public health restrictions in place to suppress the spread of Covid-19, which required most people to stay at home. Considering these factors, the Committee decided that the programme content did not comply with Principle 2 of the Code.

The Committee considered the complaint against the provisions of Principle 5 the Code that allow for critical scrutiny of religion, while also requiring broadcasters to show due respect for religious views, images, practices and beliefs in programme content. The sketch in the programme effectively accused God of sexual violence and sexual crimes. The Committee concluded that this treatment of a religious figure did not show due respect for religious views and beliefs and did not constitute critical scrutiny of religion. The Committee decided that the programme did not comply with Principle 5 of the Code.

The Committee decided to uphold the complaint under Principles 1, 2 and 5 of the Code of Programme Standards and the provisions of Section 48(1)(b) of the Broadcasting Act 2009, concerning offence.

Complaint Reference Number	**C5444**
Complainant	[redacted]
Station	RTÉ One
Programme Name	NYE Countdown Show
Broadcast Date	31st December 2020
Broadcast Time	22:45
Programme Description	New Year's Eve Countdown programme featuring a variety of guests
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); **the BAI Code of Programme Standards - Principle 5** (Respect for Persons and Groups in Society).

Complaint Summary

The complaint relates to a satirical news sketch concerning God being convicted of sexual crimes.

The complainant states that this programme was offensive to his religious beliefs and made fun of the Lord. The complainant thought it was unlikely the broadcaster would target any other group in society in this way. The complainant also found RTÉ's initial apology insincere.

The complainant also takes issue with trying to make their complaint by phone to the broadcaster and being told they could not.

Broadcaster Response Summary

The broadcaster states that this sketch was reviewed by the RTÉ Editorial Standards Board and on 7th January 2021 a statement was issued by RTÉ on foot of the findings of the Board.

The Board found the sketch did not comply with specific statutory and regulatory provisions and as a result, RTÉ has made a voluntary disclosure of non-compliance to the Broadcasting Authority of Ireland. This means that RTÉ decided not to contest the complaints that were received.

After the Editorial Standards Board found the sketch to be non-compliant, RTÉ, in addition to asking the Board to review the production process, also decided to remove the sketch from the RTÉ Player and to broadcast an apology, with due prominence.

Decision of the Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to uphold the complaint. The reasons for the Committee's decision are set out below.

The complaint is regarding a satirical news sketch on the New Year's Eve Countdown Show about God being, "the latest figure to be implicated in ongoing sexual harassment scandals." The report shows a scene of a Garda manhandling a handcuffed person outside a courthouse, dressed to appear as God, into a police van, while he shouts, "That was two thousand years ago." The news

reader states, “The five-billion-year-old stood accused of forcing himself on a young Middle Eastern migrant, allegedly impregnating her against her will, before being sentenced to two years in prison, with the last twenty-four months suspended.” Directly following the sketch, an image of Harvey Weinstein is shown on screen.

The Committee noted that the complaint was made under the Principle 5 of the Code of Programme Standards, which requires that persons and groups in society are represented in a manner which is appropriate, justifiable and does not prejudice respect for human dignity, which includes showing due respect for religious views, images, practices and beliefs. This principle does not preclude critical scrutiny of religion.

The broadcaster submitted a voluntary disclosure to the BAI, further to 4.B of the BAI Compliance and Enforcement Policy, in relation to the broadcast of this programme. The voluntary disclosure stated that the programme item, which is the subject of this complaint, did not comply with the following legislative and regulatory provisions:

- Section 39(1)(d) of the Broadcasting Act 2009, which corresponds to provisions of Section 48(1)(b) of the Broadcasting Act 2009, concerning offence;
- The provisions of the Code of Programme Standards in relation to material that causes “undue offence”; and,
- Principle 5 (Respect for Persons and Groups in Society) of the Code of Programme Standards, regarding “due respect” for religious beliefs.

The Committee noted the sketch effectively accused God of sexual violence and sexual crimes. The Committee concluded that this treatment of a religious figure did not show due respect for religious views and beliefs and did not constitute critical scrutiny of religion.

The Committee decided to uphold the complaint under Principle 5 of the Code of Programme Standards and the provisions of Section 48(1)(b) of the Broadcasting Act 2009, concerning offence.

Complaint Reference Number	**C5450**
Complainant	[redacted]
Station	RTÉ One
Programme Name	NYE Countdown Show
Broadcast Date	31st December 2020
Broadcast Time	22:45
Programme Description	New Year's Eve Countdown programme featuring a variety of guests
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); **the BAI Code of Programme Standards - Principle 2** (Importance of Context) and **Principle 5** (Respect for Persons and Groups in Society).

Complaint Summary

The complaint relates to a satirical news sketch concerning God being convicted of sexual crimes.

The complainant states that this programme caused harm and offence. The complainant further states RTÉ did not immediately take down the piece from their Player.

Broadcaster Response Summary

The broadcaster stated that it would not be making a response to the complaint in question as it had made a voluntary disclosure to the BAI in respect of the programme, as well as a further report to the BAI's Compliance Committee.

Decision of the Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to uphold the complaint. The reasons for the Committee's decision are set out below.

The complaint is regarding a satirical news sketch on the New Year's Eve Countdown Show about God being, "the latest figure to be implicated in ongoing sexual harassment scandals." The report shows a scene of a Garda manhandling a handcuffed person outside a courthouse, dressed to appear as God, into a police van, while he shouts, "That was two thousand years ago." The news reader states, "The five-billion-year-old stood accused of forcing himself on a young Middle Eastern migrant, allegedly impregnating her against her will, before being sentenced to two years in prison, with the last twenty-four months suspended." Directly following the sketch, an image of Harvey Weinstein is shown on screen.

The Committee noted that the complaint was also made under the following principles of the Code of Programme Standards:

- Principle 2 (Importance of Context) acknowledges the harm and offence that may be caused by the context in which programme material is viewed or heard or because the material is not in line with the audience's expectations; and,

- Principle 5 (Respect for Persons and Groups in Society) requires that persons and groups in society are represented in a manner which is appropriate, justifiable and does not prejudice respect for human dignity, which includes showing due respect for religious views, images, practices and beliefs.

The broadcaster submitted a voluntary disclosure to the BAI, further to 4.B of the BAI Compliance and Enforcement Policy, in relation to the broadcast of this programme. The voluntary disclosure stated that the programme item, which is the subject of this complaint, did not comply with the following legislative and regulatory provisions:

- Section 39(1)(d) of the Broadcasting Act 2009, which corresponds to provisions of Section 48(1)(b) of the Broadcasting Act 2009, concerning offence;
- The provisions of the Code of Programme Standards in relation to material that causes "undue offence"; and,
- Principle 5 (Respect for Persons and Groups in Society) of the Code of Programme Standards, regarding "due respect" for religious beliefs.

In considering the contextual factors related to the programme and its broadcast, the Committee noted that the editorial brief for the programme described the New Year's Eve slot as "shared family viewing time" and it would be reasonable to expect more children in the audience on New Year's Eve night than any other night. In addition, audiences would expect a programme of this nature and in this slot to have a broad, cross-generational appeal and to not include satire of religious figures or beliefs or include references to sexual violence and sexual crimes. The Committee also noted that the likely audience for this programme would be larger in comparison to previous New Year's Eve nights because of the public health restrictions in place to suppress the spread of Covid-19, which required most people to stay at home. Considering these factors, the Committee decided that the programme content did not comply with Principle 2 of the Code.

The Committee noted the sketch effectively accused God of sexual violence and sexual crimes. The Committee concluded that this treatment of a religious figure did not show due respect for religious views and beliefs and did not constitute critical scrutiny of religion. The Committee decided that the programme did not comply with Principle 5 of the Code.

The Committee decided to uphold the complaint under Principles 2 and 5 of the Code of Programme Standards and the provisions of Section 48(1)(b) of the Broadcasting Act 2009, concerning offence.

Complaint Reference Number	**C5451**
Complainant	[redacted]
Station	RTÉ One
Programme Name	NYE Countdown Show
Broadcast Date	31st December 2020
Broadcast Time	22:45
Programme Description	New Year's Eve Countdown programme, featuring a variety of guests
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); **the BAI Code of Programme Standards - Principle 2** (Importance of Context).

Complaint Summary

The complaint relates to a satirical news sketch concerning God being convicted of sexual crimes.

The complainant states that this programme was a blasphemous and offensive piece, which insulted the Catholic religion. The complainant states that this type of programming shows how low standards are in RTÉ. The complainant questions whether the broadcaster would be as quick to insult Islam.

Broadcaster Response Summary

The broadcaster stated that it would not be making a response to the complaint in question as it had made a voluntary disclosure to the BAI in respect of the programme, as well as a further report to the BAI's Compliance Committee.

Decision of the Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to uphold the complaint. The reasons for the Committee's decision are set out below.

The complaint is regarding a satirical news sketch on the New Year's Eve Countdown Show about God being, "the latest figure to be implicated in ongoing sexual harassment scandals." The report shows a scene of a Garda manhandling a handcuffed person outside a courthouse, dressed to appear as God, into a police van, while he shouts, "That was two thousand years ago." The news reader states, "The five-billion-year-old stood accused of forcing himself on a young Middle Eastern migrant, allegedly impregnating her against her will, before being sentenced to two years in prison, with the last twenty-four months suspended." Directly following the sketch, an image of Harvey Weinstein is shown on screen.

The Committee noted that the complaint was also made under Principle 2 of the Code of Programme Standards, which acknowledges the harm and offence that may be caused by the context in which programme material is viewed or heard or because the material is not in line with the audience's expectations.

The broadcaster submitted a voluntary disclosure to the BAI, further to 4.B of the BAI Compliance and Enforcement Policy, in relation to the broadcast of this programme. The voluntary disclosure stated that the programme item, which is the subject of this complaint, did not comply with the following legislative and regulatory provisions:

- Section 39(1)(d) of the Broadcasting Act 2009, which corresponds to provisions of Section 48(1)(b) of the Broadcasting Act 2009, concerning offence;
- The provisions of the Code of Programme Standards in relation to material that causes "undue offence"; and,
- Principle 5 (Respect for Persons and Groups in Society) of the Code of Programme Standards, regarding "due respect" for religious beliefs.

In considering the contextual factors related to the programme and its broadcast, the Committee noted that the editorial brief for the programme described the New Year's Eve slot as "shared family viewing time" and it would be reasonable to expect more children in the audience on New Year's Eve night than any other night. In addition, audiences would expect a programme of this nature and in this slot to have a broad, cross-generational appeal and to not include satire of religious figures or beliefs or include references to sexual violence and sexual crimes. The Committee also noted that the likely audience for this programme would be larger in comparison to previous New Year's Eve nights because of the public health restrictions in place to suppress the spread of Covid-19, which required most people to stay at home. Considering these factors, the Committee decided that the programme content did not comply with Principle 2 of the Code.

The Committee decided to uphold the complaint under Principle 2 of the Code of Programme Standards and the provisions of Section 48(1)(b) of the Broadcasting Act 2009, concerning offence.

Complaint Reference Number	**C5457**
Complainant	[redacted]
Station	RTÉ One
Programme Name	NYE Countdown Show
Broadcast Date	31st December 2020
Broadcast Time	22:45
Programme Description	New Year's Eve Countdown programme, featuring a variety of guests
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); the **BAI Code of Programme Standards - Principle 5** (Respect for Persons and Groups in Society).

Complaint Summary

The complaint relates to a satirical news sketch concerning God being convicted of sexual crimes.

The complainant found this sketch to be offensive and believes it added to stirring up hatred against a religious group and it puts people of the Catholic religion at a disadvantage.

Broadcaster Response Summary

The broadcaster stated that it would not be making a response to the complaint in question as it had made a voluntary disclosure to the BAI in respect of the programme, as well as a further report to the BAI's Compliance Committee.

Decision of the Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to uphold the complaint. The reasons for the Committee's decision are set out below.

The complaint is regarding a satirical news sketch on the New Year's Eve Countdown Show about God being, "the latest figure to be implicated in ongoing sexual harassment scandals." The report shows a scene of a Garda manhandling a handcuffed person outside a courthouse, dressed to appear as God, into a police van, while he shouts, "That was two thousand years ago." The news reader states, "The five-billion-year-old stood accused of forcing himself on a young Middle Eastern migrant, allegedly impregnating her against her will, before being sentenced to two years in prison, with the last twenty-four months suspended." Directly following the sketch, an image of Harvey Weinstein is shown on screen.

The Committee noted that the complaint was made under the Principle 5 of the Code of Programme Standards, which prohibits broadcasters from broadcasting material involving threatening, abusive or insulting visual images or sounds with the intent to stir up hatred or where it is likely that hatred will be stirred up as a result against person or groups in society. In addition, broadcasters are required to show due respect for religious views, images, practices and beliefs in programme material. This is not intended to prevent critical scrutiny of religion.

The broadcaster submitted a voluntary disclosure to the BAI, further to 4.B of the BAI Compliance and Enforcement Policy, in relation to the broadcast of this programme. The voluntary disclosure stated that the programme item, which is the subject of this complaint, did not comply with the following legislative and regulatory provisions:

- Section 39(1)(d) of the Broadcasting Act 2009, which corresponds to provisions of Section 48(1)(b) of the Broadcasting Act 2009, concerning offence;
- The provisions of the Code of Programme Standards in relation to material that causes "undue offence"; and,
- Principle 5 (Respect for Persons and Groups in Society) of the Code of Programme Standards, regarding "due respect" for religious beliefs.

The Committee noted the sketch effectively accused God of sexual violence and sexual crimes. The Committee did not believe that the content was intended to stir up hatred or that it was likely hatred would be stirred up against people of Catholic or Christian faith. However, the Committee concluded that the treatment of a religious figure did not show due respect for religious views and beliefs and did not constitute critical scrutiny of religion. As such, the programme content did not comply with some of the provisions of Principle 5 of the Code.

The Committee decided to uphold the complaint under Principle 5 of the Code of Programme Standards and the provisions of Section 48(1)(b) of the Broadcasting Act 2009, concerning offence.

Complaint Reference Number	**C5467**
Complainant	[redacted]
Station	RTÉ One
Programme Name	NYE Countdown Show
Broadcast Date	31st December 2020
Broadcast Time	22:45
Programme Description	New Year's Eve Countdown programme, featuring a variety of guests
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); the **BAI Code of Programme Standards – Principle 5** (Respect for Persons and Groups in Society)

Complaint Summary

The complaint relates to a satirical news sketch concerning God being convicted of sexual crimes.

The complainant states that this so-called comedy sketch included a joke that God had raped a young migrant girl by "forcing himself on her and impregnating her "against her will" two thousand years ago. The complainant believes this clearly refers to the Virgin Mary and it goes on to accuse the Christian God of sexual harassment of this girl and features a man dressed as God and being arrested by what appear to be members of An Garda Síochána.

The complainant found this material to be not only deeply offensive and insulting to the Catholic community, noting that it coincided with the Catholic Feast of the Solemnity of Mary on 1st January, which is one of the most important feast days in the Catholic liturgical calendar.

The complainant claims that the Catholic faith has been under constant attack over recent times as a result of the secular society, and the subject of this complaint is just another example of Irish media fuelling this. The complainant believes the actions of the broadcaster on the date in question demonstrated complete and utter disregard for his religious views and beliefs.

Broadcaster Response Summary

The broadcaster stated that it would not be making a response to the complaint in question as it had made a voluntary disclosure to the BAI in respect of the programme, as well as a further report to the BAI's Compliance Committee.

Decision of the Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to uphold the complaint. The reasons for the Committee's decision are set out below.

The complaint is regarding a satirical news sketch on the New Year's Eve Countdown Show about God being, "the latest figure to be implicated in ongoing sexual harassment scandals." The report shows a scene of a Garda manhandling a handcuffed person outside a courthouse, dressed to

appear as God, into a police van, while he shouts, “That was two thousand years ago.” The news reader states, “The five-billion-year-old stood accused of forcing himself on a young Middle Eastern migrant, allegedly impregnating her against her will, before being sentenced to two years in prison, with the last twenty-four months suspended.” Directly following the sketch, an image of Harvey Weinstein is shown on screen.

The Committee noted that the complaint was made under the Principle 5 of the Code of Programme Standards, which requires that persons and groups in society are represented in a manner which is appropriate, justifiable and does not prejudice respect for human dignity, which includes showing due respect for religious views, images, practices and beliefs. This principle does not preclude critical scrutiny of religion.

The broadcaster submitted a voluntary disclosure to the BAI, further to 4.B of the BAI Compliance and Enforcement Policy, in relation to the broadcast of this programme. The voluntary disclosure stated that the programme item, which is the subject of this complaint, did not comply with the following legislative and regulatory provisions:

- Section 39(1)(d) of the Broadcasting Act 2009, which corresponds to provisions of Section 48(1)(b) of the Broadcasting Act 2009, concerning offence;
- The provisions of the Code of Programme Standards in relation to material that causes “undue offence”; and,
- Principle 5 (Respect for Persons and Groups in Society) of the Code of Programme Standards, regarding “due respect” for religious beliefs.

The Committee noted the sketch effectively accused God of sexual violence and sexual crimes. The Committee concluded that this treatment of a religious figure did not show due respect for religious views and beliefs and did not constitute critical scrutiny of religion.

The Committee decided to uphold the complaint under Principle 5 of the Code of Programme Standards and the provisions of Section 48(1)(b) of the Broadcasting Act 2009, concerning offence.

Complaint Reference Number	**C5472**
Complainant	[redacted]
Station	RTÉ One
Programme Name	NYE Countdown Show
Broadcast Date	31st December 2020
Broadcast Time	22:45
Programme Description	New Year's Eve Countdown programme, featuring a variety of guests
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); the **BAI Code of Programme Standards - Principle 5** (Respect for Persons and Groups in Society).

Complaint Summary

The complaint relates to a satirical news sketch concerning God being convicted of sexual crimes.

The complainant states that anti-Christian content such as that on the New Year's Eve Countdown Show, not only seriously negates respect for the Christian faith but also spreads lies and increases hostility and violence towards Christians everywhere. It also stigmatises and negates respect for victims of rape. The complainant states that programme content was not only a public defamation of Catholics in Ireland but of all Christians worldwide. The programme portrayed the Christian faith as endorsing the subjection and brutal rape of women. Catholics who publicly objected to the content of the show had to contend with aggressive confrontations and verbal abuse. However, the complainant states that Irish media is not confined to the boundaries of Ireland and RTÉ has a responsibility for the global reach of its programmes because Christian faith is under attack in many countries around the world.

The complainant states that portraying the act of rape as a comedy act is a crime against every woman: it humiliates, disrespects and discredits their testimony; it trivialises the crime of rape and shames the victim into silence; and, it prejudices respect for human dignity and stigmatises rape victims.

The complainant believes that the apology issued by the broadcaster did not take into account the global reach of broadcasting and the potential for its content to incite hate in any of the 50 countries antagonistic to the Christian faith.

Broadcaster Response Summary

The broadcaster stated that it would not be making a response to the complaint in question as it had made a voluntary disclosure to the BAI in respect of the programme, as well as a further report to the BAI's Compliance Committee.

Decision of the Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to uphold the complaint. The reasons for the Committee's decision are set out below.

The complaint is regarding a satirical news sketch on the New Year's Eve Countdown Show about God being, "the latest figure to be implicated in ongoing sexual harassment scandals." The report shows a scene of a Garda manhandling a handcuffed person outside a courthouse, dressed to appear as God, into a police van, while he shouts, "That was two thousand years ago." The news reader states, "The five-billion-year-old stood accused of forcing himself on a young Middle Eastern migrant, allegedly impregnating her against her will, before being sentenced to two years in prison, with the last twenty-four months suspended." Directly following the sketch, an image of Harvey Weinstein is shown on screen.

The Committee noted that the complaint was made under the Principle 5 of the Code of Programme Standards, which prohibits programme material that would stigmatise, support or condone discrimination or incite hatred against persons or groups in society. In addition, broadcasters are required to show due respect for religious views, images, practices and beliefs in programme material. This is not intended to prevent critical scrutiny of religion.

The broadcaster submitted a voluntary disclosure to the BAI, further to 4.B of the BAI Compliance and Enforcement Policy, in relation to the broadcast of this programme. The voluntary disclosure stated that the programme item, which is the subject of this complaint, did not comply with the following legislative and regulatory provisions:

- Section 39(1)(d) of the Broadcasting Act 2009, which corresponds to provisions of Section 48(1)(b) of the Broadcasting Act 2009, concerning offence;
- The provisions of the Code of Programme Standards in relation to material that causes "undue offence"; and,
- Principle 5 (Respect for Persons and Groups in Society) of the Code of Programme Standards, regarding "due respect" for religious beliefs.

The Committee noted the sketch referenced sexual violence and sexual crimes but did not include any depictions or detailed descriptions of rape or sexual violence nor did it portray any victims of rape or sexual violence. The Committee found no evidence in the programme content of victims of rape or sexual crimes being stigmatised.

The Committee noted the sketch effectively accused God of sexual violence and sexual crimes. The Committee did not believe that the content was intended to stir up hatred or that it was likely hatred would be stirred up against people of Catholic or Christian faith. However, the Committee concluded that the treatment of a religious figure did not show due respect for religious views and beliefs and did not constitute critical scrutiny of religion. As such, the programme content did not comply with some of the provisions of Principle 5 of the Code.

The Committee decided to uphold the complaint under Principle 5 of the Code of Programme Standards and the provisions of Section 48(1)(b) of the Broadcasting Act 2009, concerning offence.

Complaint Reference Number	**C5478**
Complainant	[redacted]
Station	RTÉ One
Programme Name	NYE Countdown Show
Broadcast Date	31st December 2020
Broadcast Time	22:45
Programme Description	New Year's Eve Countdown programme, featuring a variety of guests
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); the **BAI Code of Programme Standards - Principle 5** (Respect for Persons and Groups in Society).

Complaint Summary

The complaint relates to a satirical news sketch concerning God being convicted of sexual crimes.

The complainant found the sketch depicting God as a rapist offensive and in breach of Principle 5 of the BAI Code of Programme Standards where due respect was not shown for her religious views, images or practices.

The complainant states that the belated apology from the broadcaster is not sufficient and more is required.

Broadcaster Response Summary

The broadcaster stated that it would not be making a response to the complaint in question as it had made a voluntary disclosure to the BAI in respect of the programme, as well as a further report to the BAI's Compliance Committee.

Decision of the Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to uphold the complaint. The reasons for the Committee's decision are set out below.

The complaint is regarding a satirical news sketch on the New Year's Eve Countdown Show about God being, "the latest figure to be implicated in ongoing sexual harassment scandals." The report shows a scene of a Garda manhandling a handcuffed person outside a courthouse, dressed to appear as God, into a police van, while he shouts, "That was two thousand years ago." The news reader states, "The five-billion-year-old stood accused of forcing himself on a young Middle Eastern migrant, allegedly impregnating her against her will, before being sentenced to two years in prison, with the last twenty-four months suspended." Directly following the sketch, an image of Harvey Weinstein is shown on screen.

The Committee noted that the complaint was made under the Principle 5 of the Code of Programme Standards, which requires that persons and groups in society are represented in a manner which is

appropriate, justifiable and does not prejudice respect for human dignity, which includes showing due respect for religious views, images, practices and beliefs. This principle does not preclude critical scrutiny of religion.

The broadcaster submitted a voluntary disclosure to the BAI, further to 4.B of the BAI Compliance and Enforcement Policy, in relation to the broadcast of this programme. The voluntary disclosure stated that the programme item, which is the subject of this complaint, did not comply with the following legislative and regulatory provisions:

- Section 39(1)(d) of the Broadcasting Act 2009, which corresponds to provisions of Section 48(1)(b) of the Broadcasting Act 2009, concerning offence;
- The provisions of the Code of Programme Standards in relation to material that causes "undue offence"; and,
- Principle 5 (Respect for Persons and Groups in Society) of the Code of Programme Standards, regarding "due respect" for religious beliefs.

The Committee noted the sketch effectively accused God of sexual violence and sexual crimes. The Committee concluded that this treatment of a religious figure did not show due respect for religious views and beliefs and did not constitute critical scrutiny of religion.

The Committee decided to uphold the complaint under Principle 5 of the Code of Programme Standards and the provisions of Section 48(1)(b) of the Broadcasting Act 2009, concerning offence.

Upheld in Part by Compliance Committee

Complaint Reference Number	**C5389**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Brendan O'Connor Show
Broadcast Date	29th November 2020
Broadcast Time	11:00
Programme Description	A mix of news, interviews, reports and discussion, broadcast each Saturday and Sunday from 11am – 1pm.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b) (harm & offence); the BAI Code of Programme Standards – Principles 1 (Respect for Community Standards) and Principle 5 (Respect for Persons and Groups in Society).

Complaint Summary

The complaint refers to an arts and culture segment of the programme, during which a guest made a comment the complainant believes is offensive.

The complainant states that during this segment the presenter and guest discussed a 1967 film called Hombre. In describing the plot of the film, the guest referred to a white man who had been raised by the Apache Native American tribe, as a 'half-breed'. The complainant notes that, in describing the lead character played by Paul Newman, the guest said, "Paul Newman's fantastic in it and he is, I suppose, what they would call today, a half-breed. You're not allowed even say that but that's what he is." The complainant states that this is a shocking and highly offensive comment. The complainant considers that the offence was further compounded by the presenter replying, in a humorous fashion, "Yeah well you just said it, okay, go on." The complainant was dismayed that the presenter let this offensive comment go with a simple chuckle and a "go on".

The complainant notes that audiences are diverse and states that programmes should cater to this diversity and language should not offend audiences. The complainant states that she is a mixed-race Irish person and she was offended and upset by the segment.

Broadcaster Response Summary

The broadcaster apologised for the offence caused by a comment made by a guest during a discussion regarding the 1967 film, Hombre.

The broadcaster states that the comment was not included in the preparatory material for the item and believes that, if it had been included, it would not have been aired. The broadcaster states that the phrase is used in the film in a derogatory manner to describe the main character. The broadcaster states that, following the use of the phrase, the presenter did say, "You said that, in inverted commas" to clarify that it was a reference to the vernacular of the film being discussed and was not indicative of the contributor's own feelings towards the character in the film. Nevertheless, the broadcaster

acknowledges that the term should not have been used in the broadcast and apologised fully to the complainant.
Decision of the Compliance Committee
Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to uphold the complaint, in part. The reasons for the Committee's decision are set out below. The Committee noted that the complaint was made under Principle 1 and Principle 5 of the Code of Programme Standards. Principle 1 of the Code requires broadcasters to consider a range of issues including attitudes to specific language terms. Principle 5 of the Code requires that persons and groups in society are represented in a manner which is appropriate, justifiable and does not prejudice respect for human dignity. The Committee noted that the term 'half-breed' was used by a guest on the programme when reviewing the film and referencing the main character, who was raised by a Native American Apache tribe. The Committee found the reference to be highly offensive and inappropriate. Furthermore, by failing to take immediate corrective action to demonstrate clearly that this reference was unacceptable, the presenter and the contributor appeared to make light of the term. By allowing the use of such language, the broadcaster failed in its duty of care to the audience. However, the Committee was of the view that this did not stigmatise, support, or condone discrimination or incite to hatred. Accordingly, the Committee upheld the complaint under Principle 1 of the Code of Programme Standards.

Complaint Reference Number	**C5411, C5421, C5422 & C5423**
Complainant	[redacted]
Station	Newstalk 106-108FM
Programme Name	Newstalk Breakfast, The Pat Kenny Show, Lunchtime Live & The Hard Shoulder
Broadcast Date	10th December 2020
Broadcast Time	07:00, 09:00, 12:00 and 16:00
Programme Description	News, Current Affairs and Informative and Entertaining Programmes
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs: rules 4.1, 4.2, 4.3, 4.17, 4.18, 4.19, 4.20, 4.21 and 4.22.

Complaint Summary

The complaint concerns discussions and interviews in all of the above referenced programmes regarding the repeal of the Eighth Amendment to the Irish constitution in 2018. This was part of a series looking back at the 20 most influential moments of the last 20 years, as voted by Newstalk's listeners. The repeal of the Eighth Amendment was voted as one of those moments.

The complainant is of the view that coverage of the issue across the programmes was not objective, impartial or fair to all interests.

Newstalk Breakfast – The complainant claims that the interview with a pro-life campaigner was challenging and even hostile and was not fair to the interviewee. The complainant further believes that, across the programme schedule, other interviewees with different perspectives on this issue were not treated in a similar way. The complainant states that the presenter expressed partisan views on the issue, provided statistical data with no supporting evidence (e.g., 2% of women have regrets about having an abortion), and was factually inaccurate in saying that late term abortions are carried out only in cases of the mother's life being at risk.

The Pat Kenny Show – The complainant is of the view that the interview with the founder of The Abortion Support Network was not sufficiently challenging, for example, when the interviewee referred to abortion as healthcare and argued to remove the 3-day waiting period for an abortion. The complaint also claims that the presenter demonstrated bias by referring to "safe" abortion and in saying that the Eighth Amendment was repealed by an "overwhelming" vote. The complainant believes that these terms are not neutral or objective in this context.

Lunchtime Live – The complainant believes the presenter did not sufficiently challenge the interviewee, for example, when describing abortion as "safe" or pro-life people as "anti-choice". The complainant queried why a person with pro-life views was not included in the programme.

The Hard Shoulder – The complainant is of the view that the presenter did not sufficiently challenge the interviewee and expressed partisan views on the issue when congratulating the interviewee on her campaigning role in the referendum and saying the job was not done yet.

Overall, the complainant believes that the number of interviewees and the time allocated to each was weighted against pro-life views on the topic. The complainant claims that this, combined with the issues set out above, meant the programmes were not objective, impartial or fair in the treatment of this topic.

Broadcaster Response Summary

The broadcaster states that the repeal of the Eighth Amendment was voted one of the 20 most influential moments of the last 20 years by the broadcasters' listeners. Like the other "moments" chosen by listeners, it was featured across one day of programmes.

The broadcaster states that this item did not set out to rerun debates that featured during the referendum to repeal the Eighth Amendment, but rather to assess the impact of the referendum outcome two years on. The broadcaster suggests that the Code of Fairness, Objectivity and Impartiality in News and Current Affairs may not apply at all because the programmes were reviewing a past event, which is no longer news or current affairs, and this was clearly identified and explained to listeners.

Notwithstanding the above suggestion, the broadcaster notes that, as the Eighth Amendment was repealed two years ago and is not currently the subject of a referendum, the requirements of fairness, objectivity and impartiality are not the same as they would be during a referendum campaign. The broadcaster states that the Code does not require broadcasters to give equal airtime to opposing viewpoints to achieve fairness, objectivity and impartiality in its coverage.

Of the interviews identified in the complaint, the broadcaster notes that two were from a pro-life perspective, two were personal accounts of abortion experiences and one was a reflection on the changes since repeal for women who had to travel for abortions. The broadcaster states that several people with a pro-life perspective were invited to participate in the programmes but were unavailable.

The broadcaster acknowledges that the presenter on Newstalk Breakfast challenged the interviewee but argues that this was necessary to put the interviewee's claims in a factual context and to provide an alternative view on the issue. The broadcaster is of the view that the presenters of The Pat Kenny Show and Lunchtime Live remained neutral in their interviews. The broadcaster acknowledges that the presenter of The Hard Shoulder had a sympathetic tone but believes this was appropriate in the context of the personal nature of the interview.

The broadcaster does not believe that any views were presented in a way that pursued an agenda or advocated a partisan position on behalf of the broadcaster. The broadcaster maintains that as the repeal of the Eighth Amendment was discussed on several programmes over the broadcast day, fairness, objectivity and impartiality were achieved over the programmes as a whole.

Decision of the Compliance Committee Having considered the broadcasts and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee, by a majority, decided to uphold this complaint, in part. The reasons for the Committee's decision are set out below.

The Committee noted that the complaint relates to rules 4.1, 4.2, 4.3, 4.17, 4.18, 4.19, 4.20, 4.21 and 4.22 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that current affairs content, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views. Two or more programmes may be considered as a whole if transmitted within a reasonable time period and if the links between the programmes are made clear to the audience. The Code requires broadcasters to deal fairly with contributors. Current affairs content shall be presented with due accuracy and views and facts shall not be misrepresented or presented in such a way as to render them misleading. Significant mistakes shall be acknowledged and rectified as speedily as possible. The Code prohibits current affairs presenters from expressing his or her own views on matters that are either of public controversy or the subject of current public debate such that a partisan position is advocated.

The Committee noted that the discussion topic, the repeal of the Eighth Amendment to Ireland's Constitution, referred to events in 2018 but also covered the current operation of the law on terminations of pregnancy and the upcoming review of that law. The Committee concluded that the content constituted current affairs and the Code of Fairness, Objectivity and Impartiality in News and Current Affairs was applicable.

The Committee noted the topic in question was covered by several programmes on the broadcast day, including Newstalk Breakfast, The Pat Kenny Show, Lunchtime Live, Moncrieff and The Hard Shoulder. The Committee was satisfied the programmes were thematically linked by the topic and could be considered related broadcasts as provided for in rule 4.18 of the Code, meaning that the requirements of fairness, objectivity and impartiality could be met across these programmes as a whole.

The Committee noted the programmes complained of were not news programmes and, therefore, rule 4.21 does not apply.

In considering the complainant's view that the selection of interviewees and the time allocated to each were weighted against pro-life views, the Committee noted the editorial approach to the topic was to look at the impact and changes that have happened since the repeal of the Eighth Amendment and not to re-open the debates had during the referendum. The Committee was of the view that the choice of contributors reflected that framing of the issue and their participation on the programmes was not primarily based on whether they were pro-choice or pro-life advocates. The Committee also noted that the principle of fairness in the Code does not necessarily require that all possible opinions on a subject are addressed or that they should receive equal airtime. The Committee was satisfied that listeners were provided with a range of views on the subject and the content did not infringe on the requirements of fairness, objectivity and impartiality, in this regard.

The Committee considered the complainant's view that some language and terminology used by contributors, and sometimes the presenters, demonstrated a lack of objectivity and impartiality, e.g., in describing abortion as healthcare, referring to "safe" abortions, describing pro-life people as "anti-choice" and calling the vote to repeal "overwhelming". The Committee did not believe that the use of these terms in the programmes misrepresented views or facts on the topic or could reasonably be considered to have misled the listeners or led to any misunderstanding by the listeners.

The Committee considered the complainant's view that there were inaccuracies and disputed facts in the Newstalk Breakfast programme. The Committee noted the presenter challenged the contributor with some assertions and quoted a statistic without referencing a source, however, the complaint did not present sufficient evidence that these constituted inaccuracies or significant mistakes. The Committee noted the contributor had opportunities to counter the presenter's points and has knowledge and expertise in the subject area to do so. Considering the exchanges in the context of the programme as a whole, the Committee was of the view that the interview had not presented or misrepresented views or facts in such a way as to render them misleading.

The Committee considered the complainant's case that contributors were not dealt with fairly. The Code recognises that part of the presenter's role is to ensure the audience has access to a wide variety of views on a subject, to facilitate the expression of contributors' opinions, and to reflect the views of those not participating in the content. Fulfilling this role may sometimes involve forceful questioning and robust exchanges. The Committee found no evidence that contributors were treated unfairly on The Pat Kenny Show, Lunchtime Live or The Hard Shoulder. On Newstalk Breakfast, the Committee noted the presenter strongly challenged the contributor and interrupted her on several occasions. While the exchanges were robust at times, the Committee was of the view that the contributor would have been aware of the subject under discussion and the nature of the questions she was likely to receive, and she was given sufficient time to articulate her views. On this basis, the Committee concluded the contributor was dealt with fairly.

The Committee also considered the complainant's case that the presenters of Newstalk Breakfast and The Hard Shoulder had expressed partisan views. On Newstalk Breakfast, the Committee noted the presenter's repeated strong challenges to the contributor's views and her response to the contributor's opinion on the advantages of the Eighth Amendment, *"I would completely disagree with you. I actually believe that the Eighth Amendment was something that controlled and regulated women's bodies in a way that was entirely inappropriate, and it was something I wanted very strongly for my 18-year-old daughter that we would have an Ireland that was tolerant and compassionate towards women in crisis pregnancies."* The Committee also noted comments made by the presenter of The Hard Shoulder in response to the contributor speaking critically about women currently travelling to the UK for abortions because of a reluctance on the part of doctors in Ireland to diagnose fatal foetal abnormalities. The presenter commented that there is an upcoming review of Ireland's abortion law and asked the contributor, *"Do you envisage that you're going to have another battle on your hands to get it* [abortion law] *where it should be or get it where, actually, those of us who voted in favour feel it already is."* On this issue, the presenter also commented, *"there is still a lot more work to be done"* and at the end of the interview said, *"And the job isn't done yet, folks."* Considering the context of these comments and taking the programmes as a whole, the Committee found that the

presenters had expressed their own views on the subject such that a partisan position was advocated.

The Committee, by majority decision, concluded that content on Newstalk Breakfast and The Hard Shoulder infringed rule 4.22 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. On this basis, the Committee upheld the complaint, in part.

Complaint Reference Number	**C5433**
Complainant	[redacted]
Station	Newstalk 106-108FM
Programme Name	Newstalk Breakfast
Broadcast Date	10th December 2020
Broadcast Time	07:00
Programme Description	News, Current Affairs and Informative Programme broadcast each weekday morning at 7.00-9.00am
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs: rules 4.1, 4.2, 4.3, 4.18, 4.19 and 4.22.

Complaint Summary

The complaint concerns an interview with a representative of the pro-life movement on Newstalk Breakfast regarding the repeal of the Eighth Amendment to the Irish constitution in 2018. This was part of a series looking back at the 20 most influential moments of the last 20 years, as voted by Newstalk's listeners. The repeal of the Eighth Amendment was voted as one of those moments and it was a discussion topic in several programmes across one broadcast day.

The complainant is of the view that the selection of interviewees and the time allocated to various perspectives across the programme schedule demonstrated bias against pro-life views and lack of impartiality on the part of the broadcaster.

The complainant claims the pro-life interviewee on Newstalk Breakfast was not treated fairly as the interview style was more robust and challenging than it was for interviewees discussing this topic on other programmes. The complainant states the presenter repeatedly interrupted the interviewee, which could have given listeners the impression that the interviewee was misleading them.

The complainant believes the Newstalk Breakfast presenter was not impartial in the interview or in the contributions and opinions she expressed. The complainant took issue with the presenter claiming that 2% of women who have abortions experience regret about it, saying this is a widely disputed figure. The complainant also states the presenter expressed a partisan view on whether the Eighth Amendment had saved lives.

Broadcaster Response Summary

The broadcaster states that the repeal of the Eighth Amendment was voted one of the 20 most influential moments of the last 20 years by the broadcasters' listeners. Like the other "moments" chosen by listeners, it was featured across one day of programmes.

The broadcaster states that this item did not set out to rerun debates that featured during the referendum to repeal the Eighth Amendment, but rather to assess the impact of the referendum outcome two years on. The broadcaster suggests that the Code of Fairness, Objectivity and

Impartiality in News and Current Affairs may not apply at all because the programmes were reviewing a past event, which is no longer news or current affairs, and this was clearly identified and explained to listeners.

Notwithstanding the above suggestion, the broadcaster states that the programmes aimed to cover this subject from a variety of perspectives, while noting that the Code does not require broadcasters to give equal airtime to opposing viewpoints to achieve fairness, objectivity and impartiality in its coverage. The broadcaster believes that the range of interviews across the programme schedule demonstrated a proactive inclusion of a variety of perspectives on the subject.

The broadcaster acknowledges that the presenter on Newstalk Breakfast challenged the interviewee but argues that this was necessary to put the interviewee's claims in a factual context and to provide an alternative view on the issue. The broadcaster is of the view that the presenters of The Pat Kenny Show and Lunchtime Live remained neutral in their interviews. The broadcaster acknowledges that the presenter of The Hard Shoulder had a sympathetic tone but believes this was appropriate in the context of the personal nature of the interview.

The broadcaster does not believe that views were presented in a way that pursued an agenda or advocated a partisan position on behalf of the broadcaster. The broadcaster maintains that as the repeal of the Eighth Amendment, voted 'The Most Influential Moment of the last 20 years', was discussed on several programmes over the broadcast day, fairness, objectivity and impartiality was achieved over the period.

The broadcaster is of the view that all interests were treated fairly.

Decision of the Compliance Committee

Having considered the broadcasts and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee, by a majority, decided to uphold this complaint, in part. The reasons for the Committee's decision are set out below.

The Committee noted that the complaint relates to rules 4.1, 4.2, 4.3, 4.18, 4.19 and 4.22 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that current affairs content, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views. Two or more programmes may be considered as a whole if transmitted within a reasonable time period and if the links between the programmes are made clear to the audience. The Code requires broadcasters to deal fairly with contributors and views and facts shall not be misrepresented or presented in such a way as to render them misleading. The Code prohibits current affairs presenters from expressing his or her own views on matters that are either of public controversy or the subject of current public debate such that a partisan position is advocated.

The Committee noted that the discussion topic, the repeal of the Eighth Amendment to Ireland's Constitution, referred to events in 2018 but also covered the current operation of the law on terminations of pregnancy and the upcoming review of that law. The Committee concluded that the

content constituted current affairs and the Code of Fairness, Objectivity and Impartiality in News and Current Affairs was applicable.

The Committee noted the topic in question was covered by several programmes on the broadcast day, including Newstalk Breakfast, The Pat Kenny Show, Lunchtime Live, Moncrieff and The Hard Shoulder. The Committee was satisfied the programmes were thematically linked by the topic and could be considered related broadcasts as provided for in rule 4.18 of the Code, meaning that the requirements of fairness, objectivity and impartiality could be met across these programmes as a whole.

In considering the complainant's view that the selection of interviewees and the time allocated to each across the related broadcasts demonstrated bias against pro-life views and lack of impartiality, the Committee noted the editorial approach to the topic was to look at the impact and changes that have happened since the repeal of the Eighth Amendment and not to re-open the debates had during the referendum. The Committee was of the view that the choice of contributors reflected that framing of the issue and their participation on the programmes was not primarily based on whether they were pro-choice or pro-life advocates. The Committee also noted that the principle of fairness in the Code does not necessarily require that all possible opinions on a subject are addressed or that they should receive equal airtime. The Committee was satisfied that listeners were provided with a range of views on the subject and the content did not infringe on the requirements of fairness, objectivity and impartiality, in this regard.

The Committee considered the complainant's view that there were inaccuracies and disputed facts in the Newstalk Breakfast programme. The Committee noted the presenter challenged the contributor with some assertions and quoted a statistic without referencing a source, however, the complaint did not present sufficient evidence that these constituted inaccuracies or significant mistakes. The Committee noted the contributor had opportunities to counter the presenter's points and has knowledge and expertise in the subject area to do so. Considering the exchanges in the context of the programme as a whole, the Committee was of the view that the interview had not presented or misrepresented views or facts in such a way as to render them misleading.

The Committee considered the complainant's case that the contributor to Newstalk Breakfast was not dealt with fairly. The Code recognises that part of the presenter's role is to ensure the audience has access to a wide variety of views on a subject, to facilitate the expression of contributors' opinions, and to reflect the views of those not participating in the content. Fulfilling this role may sometimes involve forceful questioning and robust exchanges. The Committee noted the presenter strongly challenged the contributor and interrupted her on several occasions. While the exchanges were robust at times, the Committee was of the view that the contributor would have been aware of the subject under discussion and the nature of the questions she was likely to receive, and she was given sufficient time to articulate her views. On this basis, the Committee concluded the contributor was dealt with fairly.

In considering the complainant's case that the presenter had expressed partisan views, the Committee noted the presenter's repeated strong challenges to the contributor's views and her response to the contributor's opinion on the advantages of the Eighth Amendment, *"I would*

completely disagree with you. I actually believe that the Eighth Amendment was something that controlled and regulated women's bodies in a way that was entirely inappropriate, and it was something I wanted very strongly for my 18-year-old daughter that we would have an Ireland that was tolerant and compassionate towards women in crisis pregnancies." The Committee concluded that the presenter had expressed her own views on a matter of current debate such that a partisan position was advocated.

The Committee, by majority decision, concluded that content on Newstalk Breakfast had infringed rule 4.22 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. On this basis, the Committee upheld the complaint, in part.

Complaint Reference Number	**C5441**
Complainant	[redacted]
Station	RTÉ One
Programme Name	NYE Countdown Show
Broadcast Date	31st December 2020
Broadcast Time	22:45
Programme Description	New Year's Eve Countdown programme featuring a variety of guests
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); the **BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - Rule 4.1** Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); the **BAI Code of Programme Standards** – **Principle 1** (Respect for Community Standards), **Principle 2** (Importance of Context), **Principle 3** (Protection from Harm), **Principle 4** (Protection of Children), **Principle 5** (Respect for Persons and Groups in Society), and **Principle 6** (Protection of the Public Interest)

Complaint Summary

The complaint relates to a satirical news sketch concerning God being convicted of sexual crimes.

The complainant states that this programme was an insulting, offensive, disparaging, disrespectful, abusive piece and shows an element of hate speech in its content. The complainant maintains that if this "comic" skit had targeted any other group in society like black, Muslim, Jewish and Hindu people or members of the Traveller and LGBT communities there would have been an outcry on the airwaves to condemn it.

The complainant further states that the fact that RTÉ did not immediately take down the piece from the Player shows how insincere the broadcaster's apology was. The complainant claims that the silence on all programmes in the aftermath was deafening.

The complainant outlines several questions in her submission that she requested the broadcaster to answer.

Broadcaster Response Summary

The broadcaster states that this sketch was reviewed by the RTÉ Editorial Standards Board and on 7th January 2021 a statement was issued by RTÉ on foot of the findings of the Board.

The Board found the sketch did not comply with specific statutory and regulatory provisions and as a result, RTÉ has made a voluntary disclosure of non-compliance to the Broadcasting Authority of Ireland. This means that RTÉ decided not to contest the complaints that were received.

After the Editorial Standards Board found the sketch to be non-compliant, RTÉ, in addition to asking the Board to review the production process, also decided to remove the sketch from the RTÉ Player and to broadcast an apology, with due prominence.

For the avoidance of doubt, the broadcaster states that it is not defending the clip, but it was part of a sequence of satirical clips that were not actual news or current affairs and hence this provision does not apply. The broadcaster accepts this complaint under Principle 1 and Principle 2 of the Code of Programme Standards. The broadcaster states that the New Year's Eve Countdown Show was not a children's programme and, therefore, Principle 4 of the Code is not applicable. While the broadcaster accepts that the sketch caused "undue offence", the broadcaster believes there is no case made that it caused "harm" within the terms of Principle 3 of the Code.

Decision of the Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Codes, the Committee decided to uphold the complaint, in part. The reasons for the Committee's decision are set out below.

The complaint is regarding a satirical news sketch on the New Year's Eve Countdown Show about God being, "the latest figure to be implicated in ongoing sexual harassment scandals." The report shows a scene of a Garda manhandling a handcuffed person outside a courthouse, dressed to appear as God, into a police van, while he shouts, "That was two thousand years ago." The news reader states, "The five-billion-year-old stood accused of forcing himself on a young Middle Eastern migrant, allegedly impregnating her against her will, before being sentenced to two years in prison, with the last twenty-four months suspended." Directly following the sketch, an image of Harvey Weinstein is shown on screen.

The Committee noted that the complaint was made under rule 4.1 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Committee concluded that the programme was not news or current affairs and therefore this Code did not apply.

The Committee noted that the complaint was also made under the following principles of the Code of Programme Standards:

- Principle 1 (Respect for Community Standards) requires broadcasters to take into account a range of issues covered in programme material, including attitudes to specific language terms and the use of violent imagery and sexual content;
- Principle 2 (Importance of Context) acknowledges the harm and offence that may be caused by the context in which programme material is viewed or heard or because the material is not in line with the audience's expectations;
- Principle 3 (Protection from Harm) requires broadcasters to take due care when broadcasting material containing characters, actions and personal circumstances with which audiences may identify and which can cause distress, and when broadcasting programme material that includes the simulation of news;

- Principle 4 (Protection of Children) requires broadcasters to protect children from material that is unsuitable for them and from exposure to inappropriate and harmful programme material;
- Principle 5 (Respect for Persons and Groups in Society) requires that persons and groups in society are represented in a manner which is appropriate, justifiable and does not prejudice respect for human dignity, which includes showing due respect for religious views, images, practices and beliefs; and,
- Principle 6 (Protection of the Public Interest) recognises the importance of protecting the public interest in broadcast content.

The broadcaster submitted a voluntary disclosure to the BAI, further to 4.B of the BAI Compliance and Enforcement Policy, in relation to the broadcast of this programme. The voluntary disclosure stated that the programme item, which is the subject of this complaint, did not comply with the following legislative and regulatory provisions:

- Section 39(1)(d) of the Broadcasting Act 2009, which corresponds to provisions of Section 48(1)(b) of the Broadcasting Act 2009, concerning offence;
- The provisions of the Code of Programme Standards in relation to material that causes "undue offence"; and,
- Principle 5 (Respect for Persons and Groups in Society) of the Code of Programme Standards, regarding "due respect" for religious beliefs.

The Committee discussed the manner in which the sketch linked a religious figure and religious beliefs with sexual violence and criminality. The Committee concluded that the treatment of these ideas in the programme did not respect general community standards and the likely offence caused to the audience was not, in this instance, justified for creative, editorial or any other reasons. As such, the Committee decided the programme content did not comply with Principle 1 of the Code.

In considering the contextual factors related to the programme and its broadcast, the Committee noted that the editorial brief for the programme described the New Year's Eve slot as "shared family viewing time" and it would be reasonable to expect more children in the audience on New Year's Eve night than any other night. In addition, audiences would expect a programme of this nature and in this slot to have a broad, cross-generational appeal and to not include satire of religious figures or beliefs or include references to sexual violence and sexual crimes. The Committee also noted that the likely audience for this programme would be larger in comparison to previous New Year's Eve nights because of the public health restrictions in place to suppress the spread of Covid-19, which required most people to stay at home. Considering these factors, the Committee decided that the programme content did not comply with Principle 2 of the Code.

In relation to harm, the Committee noted that the Code states, "Harmful material is material that has an 'effect' – content that causes mental, psychological or physical harm." The Committee recognised that the programme content referenced sexual violence and sexual crimes, which are sensitive subjects that can cause distress to the audience. However, the sketch did not include any depictions or detailed descriptions of rape or sexual violence. The Committee was of the view that the references alone, in this context, were unlikely to cause harm to the audience. The simulated news in the sketch

included a former news reader and used a set similar to that of the broadcaster's own news programme, which increased the potential for audiences to be misled into believing that they are watching or listening to actual news. However, given the premise of the sketch and the staged manner in which the outside report element was shot, the Committee decided there was no reasonable possibility of the audience being misled into believing this was actual news. Taking account of these matters, the Committee does not believe the programme content infringed Principle 3 of the Code.

In considering Principle 4 (Protection of Children), the Committee noted again that the programme slot was described as "shared family viewing time" in the broadcasters' editorial brief. The Committee also noted that, while this late-night time slot would usually include adult-oriented programme content, it is reasonable to believe that a greater proportion of children would be watching on New Year's Eve night. The Committee decided that this programme content was not scheduled appropriately and did not offer protection to children from exposure to unsuitable and inappropriate content. The Committee decided that the programme did not comply with Principle 4 of the Code.

The Committee considered the complaint against the provisions of Principle 5 the Code that allow for critical scrutiny of religion, while also requiring broadcasters to show due respect for religious views, images, practices and beliefs in programme content. The sketch in the programme effectively accused God of sexual violence and sexual crimes. The Committee concluded that this treatment of a religious figure did not show due respect for religious views and beliefs and did not constitute critical scrutiny of religion. The Committee decided that the programme did not comply with Principle 5 of the Code.

In discussing the complaint under Principle 6 (Protection of the Public Interest), the Committee decided the complaint did not make a case as to how the content infringed this principle.

The Committee decided to uphold the complaint under Principles 1, 2, 4 and 5 of the Code of Programme Standards and the provisions of Section 48(1)(b) of the Broadcasting Act 2009, concerning offence. The Committee, by a majority decision, did not uphold the complaint under Principles 3 and 6 of the Code. Accordingly, the complaint is upheld, in part.

Complaint Reference Number	**C5442**
Complainant	[redacted]
Station	Newstalk 106-108FM
Programme Name	The Hard Shoulder
Broadcast Date	10th December 2020
Broadcast Time	16:00
Programme Description	News, current affairs programme broadcast each weekday evening at 16:00-19.00
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs: rules 4.1, 4.2, 4.3, 4.18, 4.19 and 4.22.

Complaint Summary

The complaint concerns an interview with a person from the support group, Termination for Medical Reasons, who discussed her experience of travelling abroad for an abortion due to a fatal foetal abnormality. The interview was part of an item, aired across various programmes broadcast on one day, looking back at the repeal of the Eighth Amendment to the Irish constitution in 2018.

The complainant claims that the presenter of The Hard Shoulder was not impartial or objective and behaved like a campaigner, for example, when congratulating the interviewee on her campaigning role in the referendum and saying the job was not done yet.

The complainant states that the presenter expressed his own partisan views when speaking about his personal experience of pro-life campaigners as a journalist, when discussing politicians who had not legislated for abortion, and when reflecting on Ireland's legal position on abortion before the Eighth Amendment was repealed.

The complainant believes the presenter did not sufficiently challenge the interviewee on her view that Ireland's current abortion law is still restrictive and does not go far enough.

The complainant is also of the view that the presenter did not offer alternative views on this subject, for example, by raising issues with how abortions are currently being carried out in the State.

Broadcaster Response Summary

The broadcaster states that the repeal of the Eighth Amendment was voted one of the 20 most influential moments of the last 20 years by the broadcasters' listeners. Like the other "moments" chosen by listeners, it was featured across one day of programmes.

The broadcaster states that this item did not set out to rerun debates that featured during the referendum to repeal the Eighth Amendment, but rather to assess the impact of the referendum outcome two years on. The broadcaster suggests that the Code of Fairness, Objectivity and Impartiality in News and Current Affairs may not apply at all because the programmes were reviewing

a past event, which is no longer news or current affairs, and this was clearly identified and explained to listeners.

Notwithstanding the above suggestion, the broadcaster states that the programmes aimed to cover this subject from a variety of perspectives, while noting that the Code does not require broadcasters to give equal airtime to opposing viewpoints to achieve fairness, objectivity and impartiality in its coverage. The broadcaster believes that there was a variety of perspectives included in the coverage of this subject across the programme schedule.

The broadcaster states that the presenter of The Hard Shoulder had a sympathetic tone when interviewing a woman who recounted her experience of travelling for an abortion following a diagnosis of a fatal foetal abnormality. The broadcaster believes this was a "human" and fair way to handle a personal interview of this nature. The broadcaster acknowledges that the presenter on Newstalk Breakfast challenged the interviewee but argues that this was necessary to put the interviewee's claims in a factual context and to provide an alternative view on the issue. The broadcaster is of the view that the presenters of The Pat Kenny Show and Lunchtime Live remained neutral in their interviews.

The broadcaster does not believe that any views were presented in a way that pursued an agenda or advocated a partisan position on behalf of the broadcaster. The broadcaster maintains that as the repeal of the Eighth Amendment, voted 'The Most Influential Moment of the last 20 years', was discussed on several programmes over the broadcast day, fairness, objectivity and impartiality was achieved over the period.

Decision of the Compliance Committee Having considered the broadcasts and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee, by a majority, decided to uphold this complaint, in part. The reasons for the Committee's decision are set out below.

The Committee noted that the complaint relates to rules 4.1, 4.2, 4.3, 4.18, 4.19 and 4.22 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that current affairs content, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views. Two or more programmes may be considered as a whole if transmitted within a reasonable time period and if the links between the programmes are made clear to the audience. The Code requires broadcasters to deal fairly with contributors and to ensure views and facts are not misrepresented or presented in such a way as to render them misleading. The Code prohibits current affairs presenters from expressing his or her own views on matters that are either of public controversy or the subject of current public debate such that a partisan position is advocated.

The Committee noted that the discussion topic, the repeal of the Eighth Amendment to Ireland's Constitution, referred to events in 2018 but also covered the current operation of the law on terminations of pregnancy and the upcoming review of that law. The Committee concluded that the

content constituted current affairs and the Code of Fairness, Objectivity and Impartiality in News and Current Affairs was applicable.

The Committee noted the topic in question was covered by several programmes on the broadcast day, including Newstalk Breakfast, The Pat Kenny Show, Lunchtime Live, Moncrieff and The Hard Shoulder. The Committee was satisfied the programmes were thematically linked by the topic and could be considered related broadcasts as provided for in rule 4.18 of the Code, meaning that the requirements of fairness, objectivity and impartiality could be met across these programmes as a whole.

In considering whether a range of viewpoints and perspectives were provided, the Committee noted the editorial approach to the topic was to look at the impact and changes that have happened since the repeal of the Eighth Amendment and not to re-open the debates had during the referendum. The Committee was of the view that the choice of contributors across the related broadcasts reflected that framing of the issue and their participation on the programmes was not primarily based on whether they were pro-choice or pro-life advocates. The Committee also noted that the principle of fairness in the Code does not necessarily require that all possible opinions on a subject are addressed or that they should receive equal airtime. The Committee was satisfied that listeners were provided with a range of views on the subject and the content did not infringe on the requirements of fairness, objectivity and impartiality, in this regard.

In considering whether the interviewee was treated fairly, the Committee noted the interviewee spoke about her personal experience of termination and how this led to her work with Terminations for Medical Reasons, an organisation with a political position on the Eighth Amendment and Ireland's abortion law. The Committee considered the interview a mix of personal story and political discussion and the presenter had a sympathetic tone, particularly when the interviewee spoke about her personal experience. The Committee considered the personal nature of the interview as editorially justified, particularly in the context of the range of contributors across the related broadcasts, who provided a variety of perspectives on the topic. The Committee further noted that robust challenges in interviews of this nature are not always appropriate or necessary to achieve fairness, objectivity and impartiality. On this basis, the Committee was of the view the interviewee was dealt with fairly.

In considering the complainant's view that the presenter had expressed partisan views, the Committee noted comments made by the presenter in response to the interviewee speaking critically about women currently travelling to the UK for abortions because of a reluctance on the part of doctors in Ireland to diagnose fatal foetal abnormalities. The presenter commented that there is an upcoming review of Ireland's abortion law and asked the interviewee, *"Do you envisage that you're going to have another battle on your hands to get it* [abortion law] *where it should be or get it where, actually, those of us who voted in favour feel it already is."* On this issue, the presenter also commented, *"there is still a lot more work to be done"* and at the end of the interview said, *"And the job isn't done yet, folks."* Considering the context of these comments and the coverage of the topic, the Committee found that the presenter had expressed his own views on the subject such that a partisan position was advocated.

The Committee, by a majority decision, concluded that content on The Hard Shoulder infringed rule 4.22 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. On this basis, the Committee upheld the complaint, in part.

Complaint Reference Number	**C5445**
Complainant	[redacted]
Station	Newstalk 106-108FM
Programme Name	Newstalk Breakfast
Broadcast Date	10th December 2020
Broadcast Time	07:00 – 09:00
Programme Description	News, Current Affairs and Informative and Entertaining Programmes
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs: rules 4.1, 4.2, 4.3, 4.19 and 4.22.

Complaint Summary The complaint concerns discussions and interviews reflecting on the repeal of the Eighth Amendment to the Irish constitution in 2018. This was part of a series looking back at the 20 most influential moments of the last 20 years, as voted by Newstalk's listeners. The repeal of the Eighth Amendment was voted as one of those moments and it was a discussion topic in several programmes across one broadcast day.

The complainant believes that coverage of this item was not objective, impartial or fair because the time allocated to various perspectives was weighted against pro-life views and the interview style for pro-life representatives was much more adversarial compared with the sympathetic style for those who favoured repeal.

The complainant found the interview on Newstalk Breakfast to be extremely adversarial and claims the interviewee was hardly allowed to finish sentences because of the presenter interrupting her.

The complainant also stated that the presenter expressed a partisan view of the Eighth Amendment having controlled and regulated women's bodies.

Overall, the complainant believes the coverage was not impartial and was supportive of abortion rights, and therefore did not meet the requirements of fairness, objectivity and impartiality.

Broadcaster Response Summary

The broadcaster states that the repeal of the Eighth Amendment was voted one of the 20 most influential moments of the last 20 years by the broadcasters' listeners. Like the other "moments" chosen by listeners, it was featured across one day of programmes.

The broadcaster states that this item did not set out to rerun debates that featured during the referendum to repeal the Eighth Amendment, but rather to assess the impact of the referendum outcome two years on. The broadcaster suggests that the Code of Fairness, Objectivity and Impartiality in News and Current Affairs may not apply at all because the programmes were reviewing

a past event, which is no longer news or current affairs, and this was clearly identified and explained to listeners.

Notwithstanding the above suggestion, the broadcaster states that the programmes aimed to cover this subject from a variety of perspectives, while noting that the Code does not require broadcasters to give equal airtime to opposing viewpoints to achieve fairness, objectivity and impartiality in its coverage. The broadcaster believes that there was a variety of perspectives included in the coverage of this subject across the programme schedule.

The broadcaster acknowledges that the presenter on Newstalk Breakfast challenged the interviewee but argues that this was necessary to put the interviewee's claims in a factual context and to provide an alternative view on the issue. The broadcaster is of the view that the presenters of The Pat Kenny Show and Lunchtime Live remained neutral in their interviews. The broadcaster acknowledges that the presenter of The Hard Shoulder had a sympathetic tone but believes this was appropriate in the context of the personal nature of the interview

The broadcaster does not believe that views were presented in a way that pursued an agenda or advocated a partisan position on behalf of the broadcaster. The broadcaster maintains that as the repeal of the Eighth Amendment, voted 'The Most Influential Moment of the last 20 years', was discussed on several programmes over the broadcast day, fairness, objectivity and impartiality was achieved over the period.

The broadcaster is of the view that all interests were treated fairly.

Decision of the Compliance Committee Having considered the broadcasts and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee, by a majority, decided to uphold this complaint, in part. The reasons for the Committee's decision are set out below.

The Committee noted that the complaint relates to rules 4.1, 4.2, 4.3, 4.19 and 4.22 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that current affairs content, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views. The Code requires broadcasters to deal fairly with contributors and ensure views and facts are not misrepresented or presented in such a way as to render them misleading. The Code prohibits current affairs presenters from expressing his or her own views on matters that are either of public controversy or the subject of current public debate such that a partisan position is advocated.

The Committee noted that the discussion topic, the repeal of the Eighth Amendment to Ireland's Constitution, referred to events in 2018 but also covered the current operation of the law on terminations of pregnancy and the upcoming review of that law. The Committee concluded that the content constituted current affairs and the Code of Fairness, Objectivity and Impartiality in News and Current Affairs was applicable.

The Committee noted the topic in question was covered by several programmes on the broadcast day, including Newstalk Breakfast, The Pat Kenny Show, Lunchtime Live, Moncrieff and The Hard Shoulder. The Committee was satisfied the programmes were thematically linked by the topic and could be considered related broadcasts as provided for in rule 4.18 of the Code, meaning that the requirements of fairness, objectivity and impartiality could be met across these programmes as a whole.

In considering the complainant's view that the time allocated to various perspectives was weighted against pro-life views, the Committee noted the editorial approach to the topic was to look at the impact and changes that have happened since the repeal of the Eighth Amendment and not to reopen the debates had during the referendum. The Committee was of the view that the choice of contributors reflected that framing of the issue and their participation on the programmes was not primarily based on whether they were pro-choice or pro-life advocates. The Committee also noted that the principle of fairness in the Code does not necessarily require that all possible opinions on a subject are addressed or that they should receive equal airtime. The Committee was satisfied that listeners were provided with a range of views on the subject and the content did not infringe on the requirements of fairness, objectivity and impartiality, in this regard.

In considering whether there were inaccuracies and disputed facts in the Newstalk Breakfast programme, the Committee noted the presenter challenged the contributor with some assertions and quoted a statistic without referencing a source, however, the complaint did not present sufficient evidence that these were inaccurate. The Committee noted the contributor had opportunities to counter the presenter's points and has knowledge and expertise in the subject area to do so. Considering the exchanges in the context of the programme as a whole, the Committee was of the view that the interview had not presented or misrepresented views or facts in such a way as to render them misleading.

The Committee considered the complainant's case that the contributor to Newstalk Breakfast was not dealt with fairly. The Code recognises that part of the presenter's role is to ensure the audience has access to a wide variety of views on a subject, to facilitate the expression of contributors' opinions, and to reflect the views of those not participating in the content. Fulfilling this role may sometimes involve forceful questioning and robust exchanges. The Committee noted the presenter strongly challenged the contributor and interrupted her on several occasions. While the exchanges were robust at times, the Committee was of the view that the contributor would have been aware of the subject under discussion and the nature of the questions she was likely to receive, and she was given sufficient time to articulate her views. On this basis, the Committee concluded the contributor was dealt with fairly.

In considering the complainant's case that the presenter expressed partisan views, the Committee noted the presenter's repeated strong challenges to the contributor's views and her response to the contributor's opinion on the advantages of the Eighth Amendment, *"I would completely disagree with you. I actually believe that the Eighth Amendment was something that controlled and regulated women's bodies in a way that was entirely inappropriate, and it was something I wanted very strongly for my 18-year-old daughter that we would have an Ireland that was tolerant and compassionate*

towards women in crisis pregnancies." The Committee concluded that the presenter had expressed her own views on a matter of current debate such that a partisan position was advocated.

The Committee, by a majority decision, concluded that content on Newstalk Breakfast had infringed rule 4.22 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. On this basis, the Committee upheld the complaint, in part.

Complaint Reference Number	**C5446, C5447 & C5448**
Complainant	[redacted]
Station	Newstalk 106-108FM
Programme Name	The Pat Kenny Show, Lunchtime Live & The Hard Shoulder
Broadcast Date	10th December 2020
Broadcast Time	09:00, 12:00 and 16:00
Programme Description	News, Current Affairs and Informative and Entertaining Programmes
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs: rules 4.1, 4.2, 4.19 and 4.22.

Complaint Summary

The complaint concerns discussions and interviews in all of the above referenced programmes regarding the repeal of the Eighth Amendment to the Irish constitution in 2018. This was part of a series looking back at the 20 most influential moments of the last 20 years, as voted by Newstalk's listeners. The repeal of the Eighth Amendment was voted one of those moments.

The complainant believes that coverage of this item was not objective, impartial or fair because the time allocated to various perspectives was weighted against pro-life views and the interview style for pro-life representatives was much more adversarial compared with the sympathetic style for those who favoured repeal.

The Pat Kenny Show – The complainant suggests the presenter did not sufficiently challenge the interviewee on her reference to abortion as "healthcare" and on her aspirations for further liberalisation of Ireland's abortion laws.

Lunchtime Live – The complainant claims that the interview on Lunchtime Live was also very subjective, it was akin to a Party-Political Broadcast and no challenges were put to the interviewee.

The Hard Shoulder – The complainant believes that the presenter did not sufficiently challenge the representative from Terminations for Medical Reasons. The complaint claims the presenter clearly supported greater liberalisation of abortion laws and was not objective or impartial when he said that the job is not done yet.

Overall, the complainant found the broadcasts to be very supportive of abortion rights with little or no critical analysis of events since the Eighth Amendment was repealed.

Broadcaster Response Summary

The broadcaster states that the repeal of the Eighth Amendment was voted one of the 20 most influential moments of the last 20 years by the broadcasters' listeners. Like the other "moments" chosen by listeners, it was featured across one day of programmes.

The broadcaster states that this item did not set out to rerun debates that featured during the referendum to repeal the Eighth Amendment, but rather to assess the impact of the referendum outcome two years on. The broadcaster suggests that the Code of Fairness, Objectivity and Impartiality in News and Current Affairs may not apply at all because the programmes were reviewing a past event, which is no longer news or current affairs, and this was clearly identified and explained to listeners.

Notwithstanding the above suggestion, the broadcaster states that the programmes aimed to cover this subject from a variety of perspectives, while noting that the Code does not require broadcasters to give equal airtime to opposing viewpoints to achieve fairness, objectivity and impartiality in its coverage. The broadcaster believes that there was a variety of perspectives included in the coverage of this subject across the programme schedule: two were from a pro-life perspective, two were personal accounts of abortion experiences and one was a reflection on the changes since repeal for women who had to travel for abortions. The broadcaster states that several people with a pro-life perspective were invited to participate in the programmes but were unavailable.

The broadcaster acknowledges that the presenter on Newstalk Breakfast challenged the interviewee but argues that this was necessary to put the interviewee's claims in a factual context and to provide an alternative view on the issue. The broadcaster is of the view that the presenters of The Pat Kenny Show and Lunchtime Live remained neutral in their interviews. The broadcaster acknowledges that the presenter of The Hard Shoulder had a sympathetic tone but believes this was appropriate in the context of the personal nature of the interview.

The broadcaster does not believe that any views were presented in a way that pursued an agenda or advocated a partisan position on behalf of the broadcaster. The broadcaster maintains that as the repeal of the Eighth Amendment, voted 'The Most Influential Moment of the last 20 years', was discussed on several programmes over the broadcast day, fairness, objectivity and impartiality was achieved over the period.

Overall, the broadcaster is of the view that the topic was covered from a variety of perspectives and the programmes treated all interests fairly.

Decision of the Compliance Committee Having considered the broadcasts and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee, by a majority, decided to uphold this complaint, in part. The reasons for the Committee's decision are set out below.

The Committee noted that the complaint relates to rules 4.1, 4.2, 4.19 and 4.22 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that current affairs content, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views. Broadcasters shall ensure that views and facts are not misrepresented or presented in such a way as to render them misleading. The Code prohibits current affairs presenters from expressing his or her own views on

matters that are either of public controversy or the subject of current public debate such that a partisan position is advocated.

The Committee noted that the discussion topic, the repeal of the Eighth Amendment to Ireland's Constitution, referred to events in 2018 but also covered the current operation of the law on terminations of pregnancy and the upcoming review of that law. The Committee concluded that the content constituted current affairs and the Code of Fairness, Objectivity and Impartiality in News and Current Affairs was applicable.

The Committee noted the topic in question was covered by several programmes on the broadcast day, including Newstalk Breakfast, The Pat Kenny Show, Lunchtime Live, Moncrieff and The Hard Shoulder. The Committee was satisfied the programmes were thematically linked by the topic and could be considered related broadcasts as provided for in rule 4.18 of the Code, meaning that the requirements of fairness, objectivity and impartiality could be met across these programmes as a whole.

In considering the complainant's view that the selection of interviewees and the time allocated to each were weighted against pro-life views, the Committee noted the editorial approach to the topic was to look at the impact and changes that have happened since the repeal of the Eighth Amendment and not to re-open the debates had during the referendum. The Committee was of the view that the choice of contributors reflected that framing of the issue and their participation on the programmes was not primarily based on whether they were pro-choice or pro-life advocates. The Committee also noted that the principle of fairness in the Code does not necessarily require that all possible opinions on a subject are addressed or that they should receive equal airtime. The Committee was satisfied that listeners were provided with a range of views on the subject and the content did not infringe on the requirements of fairness, objectivity and impartiality, in this regard.

The Committee found no evidence in the broadcasts – The Pat Kenny Show, Lunchtime Live and The Hard Shoulder – of views or facts misrepresented or presented in such a way as to render them misleading. The Committee concluded that there was no reasonable prospect of the audience misunderstanding the matters covered.

In considering the complainant's view that the presenter of the The Hard Shoulder was not objective or impartial, the Committee noted the presenter's comments when the contributor spoke critically about women currently travelling to the UK for abortions because of a reluctance on the part of doctors in Ireland to diagnose fatal foetal abnormalities. The presenter commented that there is an upcoming review of Ireland's abortion law and asked the contributor, *"Do you envisage that you're going to have another battle on your hands to get it* [abortion law] *where it should be or get it where, actually, those of us who voted in favour feel it already is."* On this issue, the presenter also commented, *"there is still a lot more work to be done"* and at the end of the interview said, *"And the job isn't done yet, folks."* Considering the context of these comments and the coverage of the topic, the Committee found that the presenter had expressed his own views on the subject such that a partisan position was advocated.

The Committee, by a majority decision, concluded that content on The Hard Shoulder infringed rule 4.22 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. On this basis, the Committee upheld the complaint, in part.

Complaint Reference Number	**C5468**
Complainant	[redacted]
Station	RTÉ One
Programme Name	NYE Countdown Show
Broadcast Date	31st December 2020
Broadcast Time	22:45
Programme Description	New Year's Eve Countdown programme, featuring a variety of guests
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); the **BAI Code of Programme Standards - Principle 3** (Protection from Harm) and **Principle 5** (Respect for Persons and Groups in Society).

Complaint Summary

The complaint relates to a satirical news sketch concerning God being convicted of sexual crimes.

The complainant states that this sketch from Waterford Whispers masqueraded as comedy and was anything but. The sketch included a well-known news presenter reporting that 'God' had been arrested for forcing himself on a young migrant girl against her will and impregnating her. The sketch also alluded to the incident being two thousand years ago; the clear inference being that God had raped the Virgin Mary. The complainant points out that the Catholic Feast of the Solemnity of Mary was on 1st January and questions whether this was unfortunate coincidence or a coincidence at all.

The report depicted a bearded man (God) being arrested by a member of An Garda Síochána and being taken away in handcuffs where we were told he was sentenced to jail for 2 years with 24 months suspended. The complainant expressed concern that man was seen to be above God and, also, that rape was relegated to a suspended sentence. The complainant claims that this was highly offensive and predictably so. To draw parallels with Islam, it would be akin to accusing Allah (Allāh) of rape and being jailed; a step above even insulting Muhammad.

Moreover, the complainant maintains that if that clip had been a skit directed at the Black Lives Matter movement or towards the LGBT community, every person connected with that show would have been forced to resign. The complaint states that living in a democracy, with freedom of opinion and speech, must be countered by principles, by emotional intelligence, by a moral compass, and by judicious awareness and empathy. The complainant believes the sketch was unacceptable, inappropriate, and indefensible.

RTÉ issued an apology which the complainant found ham-fisted and very qualified. The complainant states this is not an acceptable response and certainly not an unreserved apology. Furthermore, the complainant was dissatisfied that the broadcaster left the sketch up on its Player. It was not until the station continued to receive thousands of complaints did RTÉ remove the segment, on 7th January (one week after it had aired). The complainant states that RTÉ and its management are an utter disgrace.

The complainant maintains that there must be an appropriate level of accountability on the part of broadcasters and appropriate sanctions for everyone who contributed to the programme.

Broadcaster Response Summary

The broadcaster states that this sketch was reviewed by the RTÉ Editorial Standards Board and on 7th January 2021 a statement was issued by RTÉ on foot of the findings of the Board.

The Board found the sketch did not comply with specific statutory and regulatory provisions and as a result, RTÉ has made a voluntary disclosure of non-compliance to the Broadcasting Authority of Ireland. This means that RTÉ decided not to contest the complaints that were received.

An apology from the Director General, Dee Forbes, was published on 7th January 2021 and was carried across the broadcaster's news programmes and its website. It stated: "We accept the findings of the Editorial Standards Board that this sketch was not compliant with our own guidelines or with our obligations under the relevant codes. On behalf of RTÉ, I fully apologise for that. We will now review the processes involved and engage constructively with the BAI."

After the Editorial Standards Board found the sketch to be non-compliant, RTÉ, in addition to asking the Board to review the production process, also decided to remove the sketch from the RTÉ Player and to broadcast an apology, with due prominence. The apology was broadcast before the Nine News on 9th January 2021, a slot with an audience comparable to that of the New Year's Eve Countdown Show.

Decision of the Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to uphold the complaint in part. The reasons for the Committee's decision are set out below.

The complaint is regarding a satirical news sketch on the New Year's Eve Countdown Show about God being, "the latest figure to be implicated in ongoing sexual harassment scandals." The report shows a scene of a Garda manhandling a handcuffed person outside a courthouse, dressed to appear as God, into a police van, while he shouts, "That was two thousand years ago." The news reader states, "The five-billion-year-old stood accused of forcing himself on a young Middle Eastern migrant, allegedly impregnating her against her will, before being sentenced to two years in prison, with the last twenty-four months suspended." Directly following the sketch, an image of Harvey Weinstein is shown on screen.

The Committee noted that the complaint was also made under the following principles of the Code of Programme Standards:

- Principle 3 (Protection from Harm) requires broadcasters to take due care when broadcasting material containing characters, actions and personal circumstances with which audiences may identify and which can cause distress, and when broadcasting programme material that includes the simulation of news; and,

- Principle 5 (Respect for Persons and Groups in Society) requires that persons and groups in society are represented in a manner which is appropriate, justifiable and does not prejudice respect for human dignity, which this includes showing due respect for religious views, images, practices and beliefs.

The broadcaster submitted a voluntary disclosure to the BAI, further to 4.B of the BAI Compliance and Enforcement Policy, in relation to the broadcast of this programme. The voluntary disclosure stated that the programme item, which is the subject of this complaint, did not comply with the following legislative and regulatory provisions:

- Section 39(1)(d) of the Broadcasting Act 2009, which corresponds to provisions of Section 48(1)(b) of the Broadcasting Act 2009, concerning offence;
- The provisions of the Code of Programme Standards in relation to material that causes "undue offence"; and,
- Principle 5 (Respect for Persons and Groups in Society) of the Code of Programme Standards, regarding "due respect" for religious beliefs.

In relation to harm, the Committee noted that the Code states, "Harmful material is material that has an 'effect' – content that causes mental, psychological or physical harm." The Committee recognised that the programme content referenced sexual violence and sexual crimes, which are sensitive subjects that can cause distress to the audience. However, the sketch did not include any depictions or detailed descriptions of rape or sexual violence. The Committee was of the view that the references alone, in this context, were unlikely to cause harm to the audience. The simulated news in the sketch included a former news reader and used a set similar to that of the broadcaster's own news programme, which increased the potential for audiences to be misled into believing that they are watching or listening to actual news. However, given the premise of the sketch and the staged manner in which the outside report element was shot, the Committee decided there was no reasonable possibility of the audience being misled into believing this was actual news. Taking account of these matters, the Committee does not believe the programme content infringed Principle 3 of the Code.

The Committee considered the complaint against the provisions of Principle 5 the Code that allow for critical scrutiny of religion, while also requiring broadcasters to show due respect for religious views, images, practices and beliefs in programme content. The sketch in the programme effectively accused God of sexual violence and sexual crimes. The Committee concluded that this treatment of a religious figure did not show due respect for religious views and beliefs and did not constitute critical scrutiny of religion. The Committee decided that the programme did not comply with Principle 5 of the Code.

The Committee decided to uphold the complaint under Principle 5 of the Code of Programme Standards and the provisions of Section 48(1)(b) of the Broadcasting Act 2009, concerning offence.

Rejected by Compliance Committee

Complaint Reference Number	**C5386**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Six One News
Broadcast Date	30th November 2020
Broadcast Time	18:01
Programme Description	News and Current affairs programme broadcast each weekday evening.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - Rules 4.1, 4.2 & 4.19

Complaint Summary

The complaint refers to a report on the roll out of the various Covid-19 vaccines and the implication for the public. The complainant believes that the manner in which the presenter posed questions to an interviewee implied that mass vaccination is inevitable; the complainant states that this is inaccurate and is not objective or impartial.

The complainant states that the presenter put questions to a senior lecturer in Biochemistry in UCC on the task of rolling out of the vaccines and getting back to normality when this is achieved. The complainant is of the view that the questions posed by the presenter assume that mass vaccinations are necessary, and states that no other opinion was offered. The complainant maintains that the deaths from Covid-19 are comparable to deaths from a seasonal flu; the complainant states that young people may not require or want the vaccine, additionally, the complainant states that administering a vaccine that is little-tested may be dangerous.

The complainant states that medical experts disagree regarding how to deal with Covid-19, citing The Great Barrington Declaration to support this position. The complainant states that there is no other viewpoint offered and no reference to the potential violation of personal liberty and choice regarding the vaccine. The complainant states that RTÉ is a powerful entity which shapes public opinion and believes that the report will influence public opinion. The complainant is of the view that the report lacked balance as no opposing opinion regarding the vaccination was provided.

Broadcaster Response Summary

The broadcaster states that the presenter introduced the item by providing a wider context for the discussion, namely, that as a member of the EU, Ireland is part of the programme to procure 1.2 billion vaccine doses for distribution among EU countries. This was followed by vox pops which provided a range of views from members of the public regarding vaccines, prior to an interview with a doctor from UCC.

Regarding the questions posed by the presenter, the broadcaster maintains that these were legitimate and editorially appropriate in the context where the Irish government has indicated that they will offer vaccination programmes to their population, subject to regulatory approval.

The complainant states that the presenter questioned the doctor regarding the vaccination rollout programme and the issue of mandatory vaccinations, and states that the interviewee expressed the view that mandatory vaccinations were not the answer. The broadcaster maintains that the report, including the interview, provided viewers with information on the various vaccines. The broadcaster considers that the questions posed were editorially appropriate and states that the item was fully compliant with all statutory and regulatory provisions.

Decision of the Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to reject the complaint. The Committee's findings are set out below.

The Committee noted that the complaint was made under Rules 4.1, 4.2 and 4.19 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that current affairs content be fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views. The Code further requires that facts or views be not misrepresented or presented in a misleading manner.

The Committee noted that the complaint relates an interview with doctor from UCC regarding the rollout of vaccines against Covid-19. The Committee noted the complainant's view that no other opinions were included.

The Committee found that a range of views was provided in the vox-pop broadcast ahead of the interview with the doctor. The Committee also noted that this was a one-to-one interview within the news bulletin with the focus on the distribution of the vaccine and not a discussion on the vaccine's efficacy per se. The Committee was of the view that the broadcaster has editorial freedom to choose the questions put to an interviewee and could find no evidence that these were other than fair and balanced. Furthermore, the Committee did not find any evidence of misleading information in the item in question.

The Committee did not consider that the content infringed the Code in the manner described by the complainant. As such, the complaint was rejected.

Complaint Reference Number	**C5388**
Complainant	[redacted]
Station	RTÉ One
Programme Name	The Late Late Toy Show
Broadcast Date	27th November 2020
Broadcast Time	21:35
Programme Description	Annual Christmas edition of The Late Late Show.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity & Impartiality in News and Current Affairs: Rules 4.1 and 4.2. Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); the BAI Code of Programme Standards - Principle 1 (Respect for Community Standards), Principle 2 (Importance of Context), and Principle 5 (Respect for Persons and Groups in Society).

Complaint Summary

The complaint relates to a segment on The Late Late Toy Show in which a child participant mimics administering the Pfizer vaccine to a toy dog.

The complainant is of the view that this was obviously scripted and rehearsed by the broadcaster. The complainant does not believe that a young child would spontaneously act out administering a Pfizer vaccine and refer to side effects of vaccinations. The complainant believes this segment breached the requirement for fairness and objectivity in its treatment of a controversial topic, vaccinations. It also caused harm by promoting an unapproved medicine and incited hatred against those who might decide not to be vaccinated.

Broadcaster Response Summary

The broadcaster states that The Late Late Toy Show is not news or current affairs and, as such, the Code of Fairness, Objectivity and Impartiality in News and Current Affairs does not apply.

In relation to the segment of the show which is the subject of the complaint, the broadcaster states that this involved a small child telling the presenter she wanted to be a vet when she grew up and continued to show how to treat her sick pet, who possibly had Covid-19. The child enacted the sequence of events and the process involved from symptoms to administration of the Pfizer vaccine.

The broadcaster is cognisant of the child mentioning the Pfizer vaccine and states this was said in the context of children being aware of the upcoming vaccination programme which can be heard in schools, radio, or television via campaigns around the authorising of the vaccine.

The broadcaster also states there was no promotion of the Pfizer vaccine or vaccines in general. The broadcaster states that vaccines are widely spoken on, however, at the time of broadcast no vaccine had been approved and no decision had been made on which countries would receive them, if and

when they were approved. Therefore, the broadcaster states that there was no promotion or advertisement for a vaccine.

Decision of the Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to reject the complaint. The Committee's findings are set out below.

The Committee noted that the complaint was made under Rules 4.1 and 4.2 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs.

The Committee found that the section complained of did not constitute news or current affairs and, as such, the Code of Fairness, Objectivity and Impartiality in News and Current Affairs did not apply.

The complaint was also made under the BAI Code of Programme Standards: Principle 1 (Respect for Community Standards) which requires broadcasters to take into account a range of issues including use of specific language, imagery and content, Principle 2 (Importance of Context) acknowledges the importance of harm and offence that may be caused by context and Principle 5 (Respect for persons and Groups in Society).

The Committee noted the complainant's claim that featuring a child informing the audience that she was injecting her toy dog with the Pfizer vaccine was scripted and rehearsed. The Committee was of the view that The Late Late Toy Show is a long-standing programme featuring a large cross section of children demonstrating, among other things, the toys they like and how they work. In the segment in question a small child expressed her ambition to be a vet and acted out how a vet would vaccinate a toy dog from Covid-19. The Committee found the piece to be light-hearted and in line with audience expectation for this show. Although the child did mention the name 'Pfizer' when referring to the vaccine, the Committee was of the view that given the context, that vaccines and their names are currently often referred to in the public domain, children are already exposed to these references daily. The Committee did not agree that this was a promotion or commercial communication for this vaccine. Furthermore, the Committee found no evidence that the item would incite to hatred, cause harm or undue offence nor prejudice respect for human dignity.

The Committee did not consider that the broadcast infringed Principles 1, 2 and 5 of the Code of Programme Standards. Accordingly, the complaint was rejected.

Complaint Reference Number	**C5392**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Drivetime
Broadcast Date	16th October 2020
Broadcast Time	16:30
Programme Description	Current affairs programme broadcast each weekday evening.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - Rules 4.2 & 4.17.

Complaint Summary

The complaint refers to remarks made by the presenter when introducing Diarmuid Martin, the Catholic Archbishop of Dublin.

When introducing the item, the presenter stated that the Archbishop revealed that his car was attacked by anti-mask protesters earlier this year while he attended an Islamic gathering at Croke Park. The complainant states that later in the interview the Archbishop said that the people who attacked him were at a protest against an Islamic celebration, as such, the introduction is incorrect and misleading. It is the contention of the complainant that the protestors who attacked the Archbishops car were protesting about an Islamic celebration, therefore, the protest had nothing to do with wearing masks. The complainant is of the view that the programme was not accurate or fair.

Broadcaster Response Summary

The broadcaster states that this interview took place after Archbishop Martin had publicly discussed the attack on his car and stated that those who carried out the attack at Croke Park were also engaged in anti-mask protests. The presenters' introduction accurately reflected what the Archbishop had publicly confirmed prior to the interview on Drivetime. Therefore, when introducing the item, the presenter said the Archbishop had "revealed today" that his car was attacked by anti-mask protesters. The presenter also made clear the attack on his car took place as part of a protest against an Islamic celebration in Croke Park.

The broadcaster maintains that there was no suggestion that the attack on his car happened during an anti-mask protest. It was explicitly clear that the protest was against the Islamic celebration taking place in Croke Park. The broadcaster states that the interview accurately and fairly dealt with the remarks made by the Archbishop.

Decision of the Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to reject the complaint.

The Committee's findings are set out below.

The Committee noted that the complaint was made under the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - Rules 4.2 & 4.17. The Code requires that current affairs content is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views. The Committee noted that the complainant particularly focused on the introduction to the item. The Committee had regard for the matters raised by the complainant and noted the focus in the complaint on the introduction to the item by the presenter. Having considered the entire broadcast, the Committee concluded unanimously that the broadcast had not infringed the Code of Fairness, Objectivity and Impartiality in News and Current Affairs and rejected the complaint.

Complaint Reference Number	**C5393**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	The Ryan Tubridy Show
Broadcast Date	2nd December 2020
Broadcast Time	09:00
Programme Description	A fast-paced, entertainment programme, broadcast weekday mornings.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards – Principle 6 (Protection of the Public Interest).

Complaint Summary

The complaint refers to the alleged solicitation of gifts by the presenter for his personal use.

The complainant states that during the programme, the presenter requested a copy of an original vinyl copy of 'Do They Know It's Christmas' for his personal collection. The complainant believes that this request was unethical and that the presenter should not be soliciting gifts for his personal use.

Broadcaster Response Summary

The broadcaster outlined the context for this request. During a programme aired in early December, the presenter mentioned that he had received a copy of a Christmas annual and he thanked the editor of the annual who had given him the copy. The presenter discussed the contents of the annual and mentioned that there was a section of it which included the history of the song 'Do they Know it's Christmas'. The presenter informed audiences that he would love a copy of the original vinyl album in case anyone had a copy or if anyone saw it in a charity shop. The presenter stated that he was willing to pay for it. The broadcaster maintains that this was a casual, informal remark and did not consider that the presenter was soliciting a gift. The broadcaster states that the vinyl record was returned to the person who sent it in. The broadcaster does not consider that the broadcast infringed any provision of the Code.

Decision of the Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to reject the complaint. The Committee's findings are set out below.

The Committee noted that the complaint was made under Principle 6 of the Code of Programme Standards, which requires broadcasters to have regard to the public interest. This Principle requires that nothing is broadcast that would be likely to promote or incite to crime or tending to undermine the authority of the State. It also requires the protection of the interest of the audience where the provision of a broadcasting service has, as one of its principal objectives, the promotion of the interest of any organisation.

The Committee noted that the complainant believes the presenter was soliciting gifts from his audience when he asked if anyone had a copy of the vinyl in question. The Committee was of the view that such a request is not best practice, however, it noted the context for the remark and the fact that the presenter was willing to pay for the item. Therefore, the argument that a gift was being solicited was not sustained. The Committee also noted that the broadcaster in their response mention that a copy submitted by a third party was returned to the sender.

When considering this complaint, the Committee had regard for Principle 6 under which it was submitted.
The Committee found no evidence that the content of the broadcast infringed this Code.

Complaint Reference Number	**C5397**
Complainant	[redacted]
Station	RTÉ One
Programme Name	The Late Late Toy Show
Broadcast Date	27th November 2020
Broadcast Time	21:35
Programme Description	Annual Christmas edition of The Late Late Show.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards - Principle 1 (Respect for Community Standards), Principle 2 (Importance of Context) and Principle 4 (Protection of Children).

Complaint Summary The complaint relates to a segment on The Late Late Toy Show in which a child participant mimics administering the Pfizer vaccine to her toy dog. The complainant takes exception to one part of the show in which a child, pretending to be a vet, made specific reference to administering a Pfizer vaccine while imitating injecting her toy dog. The complainant believes it was very wrong of the broadcaster to allow this to be shown, particularly during an entertainment show when a child is involved. The complainant is of the view a child was used to promote a medical procedure which is wrong and inappropriate for a children's show.

Broadcaster Response Summary

In relation to the segment of the show which is the subject of the complaint, the broadcaster states that this involved a child telling the presenter she wanted to be a vet when she grew up and, in this context, demonstrating treating her sick pet, who possibly had Covid-19. The child enacted the sequence of events and the process involved from symptoms to administration of the Pfizer vaccine.

The broadcaster is cognisant of the child mentioning the Pfizer vaccine and states this was said in the context of children being aware of the upcoming vaccination programme which can be heard in schools, radio or television via campaigns around the authorising of the vaccine.

The broadcaster also states there was no promotion of the Pfizer vaccine or vaccines in general. The broadcaster states that vaccines are widely spoken about, however, at the time of broadcast no vaccine had been approved and no decision had been made on which countries would receive them, if and when they were approved. Therefore, the broadcaster states that there was no promotion or advertisement for a vaccine.

Decision of the Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to reject the complaint. The Committee's findings are set out below.

The Committee noted that the complaint was made under the BAI Code of Programme Standards; Principle 1 (Respect for Community Standards) which requires broadcasters to take into account a range of issues including use of specific language, imagery and content. Principle 2 (Importance of Context) acknowledges the importance of harm and offence that may be caused by context, and Principle 4 (Protection of Children) requires that children are not exposed to programming that would seriously impair their moral, mental and physical development and that children are protected from exposure to inappropriate and harmful programme material.

The Committee noted that the complaint referred to a child playing the part of a vet and pretending to administer a vaccine to her toy dog. The Committee noted the complainant's claim that featuring a child who mimics injecting her toy dog with the Pfizer vaccine, was used to promote a medical procedure. The Committee noted that The Late Late Toy Show is a longstanding programme featuring a large cross section of children demonstrating, among other things, the toys they like and how they work. The segment in question, included a small child who expressed her ambition to be a vet while acting out how a vet would vaccinate a dog from Covid-19. The Committee found the piece to be light-hearted and in line with audience expectations for this show. Although the child did mention the name 'Pfizer' when referring to the vaccine, the Committee was of the view that given the context, that vaccines and their names are currently often referred to in the public domain, children are already exposed to these references daily. The Committee did not agree that this was a promotion or commercial communication for this particular vaccine.

The Committee did not consider that the broadcast breached the provisions of the Broadcasting Act 2009 or infringed the Code of Programme Standards. Accordingly, the complaint was rejected.

Complaint Reference Number	**C5424**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Deirdre O'Kane Talks Funny
Broadcast Date	14th November 2020
Broadcast Time	21:10
Programme Description	Light entertainment programme.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); the BAI Code of Programme Standards - Principle 5 (Respect for Persons and Groups in Society).

Complaint Summary

The complaint relates to an interview with writer P.J. Gallagher about his life during which there was a focus on how his family life influenced his play 'Madhouse'.

The interviewee stated that the play, which portrays people suffering with schizophrenia, was based on his own experience living with six men who had schizophrenia while growing up. The complainant found that the comedian's description of the men suffering with schizophrenia stigmatised those suffering with this condition. The complainant states that the interviewee described how his house was chaotic and the men acted abnormally. The complainant states that he does not see the funny side of this depiction, which he believes mocks and stigmatises people with schizophrenia. It is the view of the complainant that the interview effectively inferred that it is okay to laugh at people with mental health issues.

Broadcaster Response Summary

The broadcaster states that the show is presented by comedian, Deidre O'Kane, and includes conversations with fellow comedians, in which they explore their life experiences and the sources of their comedy. The broadcaster states that the interview with P.J. Gallagher focused on his role as a stand-up comedian, his television comedy, and his role as a morning radio presenter. One section dealt with his family circumstances, in which he discussed growing up as a child at a time when his family lived with six men who had mental health challenges. The interviewee discussed this in the context of it being the inspiration for his play Madhouse'.

The broadcaster states that the interviewee spoke about how his mother, a nurse, and the family helped care for the men who lived with them. In explaining how those life experiences were source material for his play, the broadcaster does not agree that the interview was hurtful or stigmatised any person with mental health challenges. The broadcaster contends that early in that part of the conversation, the interviewee commented on how, during that time in the 1980s, there was little recognition of the concept of "mental health" and that this had changed.

The broadcaster expressed regret that the complainant found the interview insensitive.

Decision of the Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to reject the complaint. The Committee's findings are set out below.

The Committee noted that the complaint was made under Principle 5 of the Code of Programme Standards, which requires that persons and groups in society are represented in a manner which is appropriate, justifiable and does not prejudice respect for human dignity.

The Committee noted that the complainant found the interviewee's description of those living with schizophrenia had stigmatised and made fun of people with this condition.

The Committee noted that this was an arts programme where the presenter, also a comedian, interviewed P.J. Gallagher, looking at his life and career as a stand-up comic. During the interview, the comedian mentioned that the source of his material for his play 'Madhouse' came from living as a child with some men at his home who had schizophrenia.

The Committee was cognisant of the seriousness of this mental illness and its impact on those with the condition. The onus, therefore, is on the broadcaster to treat the subject matter with care and sensitivity. The Committee found that the interviewee was clearly speaking from his own childhood experience of living with people with the condition. Although he referred to unusual instances involving the men that happened in his own home, the Committee did not find that he was being flippant but merely pointing to his personal experience along with the public lack of knowledge about the condition at that time.

On balance, the Committee was of the view that the programme did not infringe the relevant provisions of the Broadcasting Act 2009 or the Code of Programme Standards and rejected the complaint.

Complaint Reference Number	**C5427**
Complainant	[redacted]
Station	Virgin Media One
Programme Name	The Green Room
Broadcast Date	23rd December 2020
Broadcast Time	21:00
Programme Description	Light entertainment sports show.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(d) (commercial communications); the BAI General Commercial Communications Code – Rules 8.1, 8.3, 8.4 and 10.8.

Complaint Summary

The complaint refers to a programme which is sponsored by Paddy Power. The complainant is of the view that the programme fails to comply with the requirements set out in the General Commercial Communications Code.

The complainant is of the view that the programme infringes rule 8.1 of the Code and is irresponsible given concerns about the problems associated with online gambling during the pandemic. The complainant states that the programme is sponsored by Paddy Power, however, there is no sponsorship announcement to make viewers aware of the commercial arrangement and, as such, the broadcast fails to comply with rule 8.4 of the Code.

The complainant also believes there is clear product placement as the set, background and Q cards use the same branding pattern, font, format and colours that Paddy Power uses in all of its advertising. The complainant states that there is no distinction between sponsorship and product placement as required by rule 8.3 of the Code. Additionally, there is no notification of product placement, which infringes rule 10.8 of the Code.

Broadcaster Response Summary The broadcaster states that this is a light entertainment show with a focus on sports. The broadcaster states that the programme which is subject of the complaint was a pilot show and states that there was a three-week delay between this broadcast and the second episode being aired, which was necessary for the broadcaster to make adjustments which were editorially required. The changes made include the introduction of a sketch at the top of the show as well as a change to the colour scheme, to reduce the green and include more white in the set.

The broadcaster states that the programme is sponsored by Paddy Power, which is clearly indicated by the stings played before each part of the show. The broadcaster states that there is no Paddy Power branding, logos or product placement and that Paddy Power has no editorial input into the programme. The broadcaster explains that the programme concept brings the audience to the 'Green Room', which is recognised as a room in a theatre or studio where performers can relax. From an editorial perspective, this explains the colour scheme.

The broadcaster states that Mr. Paddy Power appears on the show but is only name checked at the top and tail of the show, as are the other presenters and guests. Further, Mr. Paddy Power is clearly introduced to the audience as a sports expert and not in his association to Paddy Power bookmakers. The broadcaster does not believe that he is a product or a service.

The broadcaster is satisfied that the programme adheres to the BAI Codes and guidelines in relation to sponsorship and product placement. The broadcaster considers that there are editorial reasons for the composition and format of the programme and is of the view that the commercial arrangement is transparent.

Decision of the Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee rejected the complaint, by a majority decision. The reasons for the Committee's decision are set out below.

The Committee noted that the complaint relates to a new programme, The Green Room, which is sponsored by Paddy Power. The Committee noted that the BAI General Commercial Communications Code recognises that sponsorship of such programmes is permitted but must be transparent and audiences must be clearly informed of the existence of a sponsorship arrangement by way of sponsorship announcements and references at the beginning, during and/or at the end of the programme. The Code prohibits sponsorship from influencing the content and scheduling of programmes in such a way as to affect the responsibility and editorial independence of the broadcaster. The Code distinguishes sponsorship from product placement in stating that references to products or services or a trademark, including the display of logos or branding, built into the action of a programme, are considered product placement. Sponsorship announcements or references, in contrast, may be shown during a programme but are not part of the plot or narrative of the programme. Programmes containing product placement must be appropriately identified by an announcement at the start and end of the programme, and when a programme resumes after an advertising break.

The Committee decided that the sponsorship arrangement in relation to this programme was clear and transparent, having reviewed the sponsorship announcements carried at the start and end of the programme and at the advertising breaks.

The Committee was of the view that the green colour scheme and set design had similarities with the sponsor, Paddy Power's, branding. The Committee also noted the inclusion of Mr. Paddy Power as a guest on the programme and that this person shares the same name as the sponsor. The Committee decided that these aspects of the programme did not constitute product placement because the sponsor's actual branding, logos, products and services were not built into the action of the programme. Therefore, rule 10.8 of the Code does not apply to the programme.

The Committee expressed concerns about the sponsorship arrangement having potentially influenced the content of the programme, in the set design and the inclusion of a guest with the same name as the sponsor. The Committee considered the nature of a sports panel discussion programme

and the link between the set design and the programme title and decided that there was sufficient editorial justification for the content as it was presented. The Committee decided that the sponsorship arrangement had not influenced the content in such a way as to affect the editorial independence of the broadcaster.

The Committee decided that the broadcast did not contravene section 48(1)(d) of the Broadcasting Act 2009 or the sponsorship rules of the BAI General Commercial Communications Code. Accordingly, the complaint was rejected.

Rejected by Executive Complaints Forum

Complaint Reference Number	**C5434**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Six One News
Broadcast Date	19th January 2021
Broadcast Time	18:01
Programme Description	The Six One News is a news programme, including sports and weather, broadcast each evening at 6.01pm.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs: Rules 4.1 and 4.2.

Complaint Summary

The complaint relates to a news report on the reopening of Primary Schools and schools for children with Special Educational needs.

The complainant takes issue with the reuse of footage of the same children in several of the broadcaster's reports. This report featured a GP who is also the mother of special needs children, offering her views on the reopening of schools. The complainant believes this was not within the GP's area of expertise. She is not an infectious disease expert and the complainant believes she should not have been interviewed for the report. The complainant feels the inclusion by the broadcaster of a GP, instead of, for example, a hairdresser or a shop assistant, was manipulative. No opposing view to the GP was provided in this report.

The complainant believes the report could have been balanced with reference to several opposing views: a) to the World Health Organisation's report on children being participants in the spread of Covid-19.
b) interviewing an SNA or a teacher who is at high risk; or c) a Trade Union representative stating that schools are not child minding facilities for working parents.

Broadcaster Response Summary The broadcaster states the report into the Government's plan on the reopening of Primary Schools for some children was covered in the context of some Trade Unions safety concerns for their Members. The broadcaster states that the footage used was editorially justified in the context of the news report. During the segment, the reporter interviewed a parent, who is also a GP and has children with special needs and required a tutor at their home. The interviewee outlined the difficulties of looking after two children with special needs and how lucky they were to be able to afford a tutor. The GP quoted and agreed with Dr. Ronan Glynn, the Deputy Chief Medical Officer, on the low risk to children attending school.

Overall, the broadcaster believes the report was fair to all interests and did not infringe the Code.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1 and 4.2. The Code requires that news and current affairs content shall be presented in an objective and impartial manner and that the broadcast treatment of current affairs, including matters which are either of public controversy is fair to all interests concerned.

The Forum had regard to the complainant's belief that the views offered by the interviewee were damaging to public health. The Forum also acknowledged the crucial role presenters play in ensuring that matters of public debate or controversy are explored in a manner which is fair to all interests concerned. The ongoing pandemic has serious implications for public health and, as such, the Forum considers that due care must be shown when discussing this topic. The Forum noted that the report covered the re-opening of some primary school years and schools for children with special educational needs and the objections by some trade unions to the return of their members, Special Needs Assistants, during the pandemic. The report featured a mother of children with special educational needs who outlined the challenges of missing school and the added pressure on all parents in this situation. The Forum agreed that the report provided views for both sides of the argument in a factual manner.

The Forum did not consider that the content of the report infringed the Code in the manner described by the complainant. As such, the complaint was rejected.

Complaint Reference Number	**C5449**
Complainant	[redacted]
Station	RTÉ Radio 1 and RTÉ One
Programme Name	The Angelus
Broadcast Date	12th January 2021
Broadcast Time	12:00 and 18:00
Programme Description	The sound of an Angelus bell rung 18 times for one minute duration.
Complaint Category	Broadcasting Act 2009 –Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards – Principle 3.

Complaint Summary

The complaint relates to the broadcast of the Angelus bell at 12 noon on RTÉ Radio 1 at noon and at 6pm on RTÉ One television.

The complainant states that the Angelus is a chime that dominates RTÉ Radio 1 and RTÉ One TV daily. It is a religious call in its timing and the tone is synonymous with the Catholic Church. The complainant believes that the chimes and times are outdated and are associated with the Virgin Mary. The complainant finds it ironic, insensitive, and offensive that RTÉ continues these broadcasts considering the findings of the Commission of Investigation into the Mother and Baby Homes.

The complainant maintains that the Angelus offends many people and reminds them daily of the suffering some endured at the hands of the Church, in the Mother and Baby Homes and in some schools and convents at a time when corporal punishment was permitted.

The complainant believes that Ireland is becoming a multicultural society and the ringing of the bells is neither appropriate nor suitable in today's secular society.

Broadcaster Response Summary

The broadcaster states that the Angelus is a broadcasting tradition which inspires very strong feeling and therefore one which is reviewed regularly at the highest levels in RTÉ. It has also been the subject of detailed audience research – the most recent of which revealed that a clear majority of Irish TV licence-payers are still in favour of retaining the Angelus pause in its current form.

The broadcaster states that it is mindful of its responsibilities to a diverse audience. RTÉ does not – and never has – broadcast the Angelus prayer itself. A minute-long pause is created in the schedule of just one of the radio networks and one of the television channels every day, during which viewers and listeners may, if they choose, say the Angelus prayer, facilitated by the traditional pattern of chimes. However, they may equally use that pause for other types of prayer or reflection, or not. The broadcaster believes there is no imposition of religious belief or practice and no insult to any of its audience members.

The structure of the Angelus pause has resulted in complaints that the tradition is not Catholic enough, to which the broadcaster's reply is always that, under the Broadcasting Act 2009, RTÉ is obliged to reflect the religious culture of Ireland, which includes people of all faiths and none.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Principle 3 of the Code of Programme Standards which requires viewers and listeners to be protected from harm.

The Forum considered the complainants view that the Angelus bells aired before the news on radio and television are overtly religious and synonymous with Catholicism and would remind many viewers and listeners of the suffering endured by some people in Mother and Baby Homes and schools and convents.

The Forum noted that the Angelus bells can be linked to Catholic tradition, however, the imagery accompanying the bells on television is of scenes of everyday life, with which many people can relate. In considering whether this content could cause harm, the Forum noted a key distinction between harm and offence in the Code; that matters which cause offence can differ from person to person and are largely subjective in nature, whereas harm is not as dependent on the subjective views that each person brings to the programmes. The Code recognises harmful material as material that has an 'effect' – content that causes mental, psychological or physical harm. The Forum considered that it was possible the Angelus bells may offend some viewers and listeners but were not convinced based on the complaint that anyone would be harmed by the content in the broadcasts examined.

The Forum found no evidence in the broadcast that the content infringed Principle 3 of the Code of Programme Standards or the relevant provisions of the Broadcasting Act 2009. Accordingly, the complaint was rejected.

Complaint Reference Number	**C5453**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Six One News
Broadcast Date	2nd February 2021
Broadcast Time	18:01
Programme Description	The Six One News is a news programme, including sports and weather, broadcast each evening at 6.01pm.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs: Rules 4.1, 4.17 and 4.19 and Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards – Principle 3.

Complaint Summary

The complaint relates to a news report on the figure of the daily death rates from Covid-19, broadcast on the 6.01 News and repeated on the 9 O'clock News, as provided by NPHET.

The complainant takes issue with a report on the figures emerging from the Department of Health with the headline, '101 deaths – highest daily toll of pandemic'. The complainant believes that this death total as reported, was inaccurate and had the effect of scaremongering the public when, in fact, 81 of those 101 deaths had taken place in January. The complainant maintains that this type of announcement from the Department is frightening and misleading to the public.

Broadcaster Response Summary

The broadcaster states the report from NPHET on the daily cases stated "The Health Protection Surveillance Centre has today been notified of 101 additional deaths related to COVID-19. 83 of these deaths occurred in January. 18 occurred in February. The median age of those who died is 85 years and the age range is 19-103 years."

It is a fact that the CMO stated that the 101 deaths were the highest reported on a single day and the broadcaster factually and accurately reported the figures and statements released by NPHET. Overall, the broadcaster believes the report was fair to all interests and did not breach the relevant Codes.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Codes, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity & Impartiality in News and Current Affairs, rules 4.1, 4.17 & 4.19, and under the Code of Programme Standards, Principle 3. The Code of Fairness, Objectivity & Impartiality requires that news and current affairs

content is presented in an objective and impartial manner and that the broadcast treatment of news and current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and is presented with due accuracy, should not be misleading and be sensitive to the impact of language and tone in reporting news and current affairs. Principle 3 of the Code of Programme Standards requires that viewers are protected from harm.

The Forum noted that the complaint related to a news bulletin on the latest Covid-19 figures from NPHET and the manner in which they were presented. The Forum acknowledged the crucial role presenters play in ensuring that matters of public debate or controversy are presented in a manner which is in the public interest. The ongoing pandemic has serious implications for public health and, as such, the Forum considers that due care must be shown when discussing this topic. The Forum noted that the report covered the latest figures presented in the daily NPHET press briefing. The Forum noted that the reported daily figure, 101 deaths, was reported as the highest daily total and that the context for this figure was provided in the report. This included the fact that some of the deaths were from January. The Forum was of the view that this information was factually and accurately reported based on the information provided by NPHET.

Overall, the Forum found no evidence in the broadcast to support the views of the complainant that the programme infringed the Codes. As such, the complaint was rejected.

Complaint Reference Number	**C5460 and C5466**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Prime Time
Broadcast Date	19th and 21st January 2021
Broadcast Time	21:35
Programme Description	Current affairs programme broadcast weekly
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality News and Current Affairs – Rules 4.1, 4.3, 4.17, 4.18 and 4.19.

Complaint Summary

The complaint refers to coverage of the closure and re-opening of schools in the Republic of Ireland in the context of the third wave of Covid-19.

The complainant believes that both broadcasts display repeated editorial unfairness, amounting to breaches of impartiality requirements, in how the issue is presented, framed and contextualised. The programmes unfairly allocated responsibility for the failure to re-open schools, particularly the provision of special education, to the actions of teachers and their representative bodies.

Programme broadcast on 19th January 2021

The complainant notes that Miriam O'Callaghan's interview with Minister for Health, Stephen Donnelly, largely focused on the Covid-19 vaccine rollout but did involve the schools' issue in several questions. The complainant believes the interview demonstrated unfairness in the line of questioning, which invited the Minister to criticise the teaching unions. For example, the question, "I mean, who's running the country here, the unions or is it the government?" tended towards an expression of advocacy for the government to simply force teachers to return to schools. The complainant is also of the view that the presenter did not sufficiently challenge the Government representative on the Government's own responsibility in the matter and the interview omitted important context and relevant perspectives, which rendered the content unfair.

Following a report on the programme which focused on the perspectives of parents of children with special and additional needs, the complainant believes that Fran McNulty's interview with Andy Pike of the Fórsa Union, was also unfair in several respects. The complainant believes that contributions from the interviewer unfairly allocated responsibility to the unions for the failure to re-open schools and the impact of this failure on children. The complainant also believes the interview was unfair and partial in drawing comparisons between teachers and other essential workers and in the manner of questioning the issues tabled by the union.

Programme broadcast on 21st January 2021

The complainant believes the repeated questioning of the TUI representative on whether teachers and their work were as essential as healthcare workers was inappropriately combative and treated the interviewee unfairly. The complainant is of the view that the interviewer, in some questions,

mispresented a response by the interviewee in relation to remote teaching, pitted teachers against essential workers and people in receipt of the pandemic payment, and implied teachers were not working because they are not in the classroom. The complainant found these questions misleading, unfair and inflammatory.

The complainant believes Miriam O'Callaghan's subsequent interview with Minister Jack Chambers also demonstrated unfairness and was inflammatory in questioning who decides to re-open schools and whether teachers would stop being paid if they refuse to return to schools when they have been deemed safe. The complainant also claims that the interview style for Government representatives was not as combative as when interviewing union representatives.

The complainant is of the view that the programmes did not meet legislative and regulatory requirements in relation to fairness, impartiality, sensitivity in language and tone, and accuracy. The complainant believes that the programmes failed in a number of areas: by not presenting the issue as a genuine conflict of rights around workplace safety and educational provision; by tending to present the facts around school safety as settled, unproblematic and depoliticised science; and, by not being sufficiently sceptical of the Government's approach to re-opening the schools.

Broadcaster Response Summary Programme broadcast on 19th January 2021

The broadcaster states that the interview with the Minister for Health was primarily concerned with the issue of vaccines, but also dealt with the opening of schools, in the context of the talks between Government and the unions haven broken down earlier that evening. The broadcaster states that the Minister was questioned on whether it was a mistake to ask teachers to return to schools given their safety concerns, while the concerns of parents with special needs children were also put to the Minister and he was challenged on the issue of governance. The broadcaster believes this interview was robust, fair and the interviewee was given time to respond.

The interview with Andy Pike, Fórsa/INTO, discussed the issues raised in a preceding report on the challenges facing parents of children with special needs. The broadcaster states that the interview was challenging, probing and robust and was fair to the interviewee because he had prior knowledge of the topics before taking part, he is involved in these issues in his union role and he is well positioned to address the questions put to him.
The broadcaster is of the view that both interviews were conducted in a respectful manner, there was no misrepresentation of the facts, and the programme complied with the relevant statutory and regulatory requirements for fairness, objectivity and impartiality.

Programme broadcast on 21st January 2021

The broadcaster states that this programme contained a range of views, including a representative of the National Parents Council, the TUI President and later the Government Chief Whip.

Introducing the segment, the presenter noted the re-opening of schools was proving more difficult than expected and it was a source of frustration for parents and teachers. The broadcaster believes the interview with the TUI President was fair, probing, and robust and states that the interviewee was aware beforehand of the broad issues to be discussed and was given time to set out the position of

those he represents. The broadcaster also believes the interview with the Government Chief Whip was robust, probing, and fair.

The broadcaster maintains that the question put to the TUI President regarding why teachers would not accept the public health advice and return to schools, was entirely fair because it was a matter of public record that public health doctors and health authorities had stated it was safe to re-open schools.

The broadcaster believes both programmes were fully compliant with the relevant statutory and regulatory provisions concerning fairness, objectivity and impartiality.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.3, 4.17, 4.18 and 4.19. The Code requires news and current affairs to be presented in an objective and impartial manner. Broadcasters must ensure that the broadcast treatment of current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned. The requirements of fairness, objectivity and impartiality may be met across two or more related broadcasts, which can be considered as a whole. News and current affairs shall be presented with due accuracy and views and facts shall not be misrepresented or presented in such a way as to render them misleading. The Code requires presenters to be sensitive to the impact of their language and tone so as to avoid misunderstanding of the matters covered.

The Forum noted the first programme, broadcast on 19th January 2021, included an interview with the Minister for Health, Stephen Donnelly, which included some discussion of the impact of ongoing school closures on children with special needs and their parents/guardians. The programme also had an interview with Andy Pike, Fórsa trade union, representing Special Needs Assistants (SNAs). The second programme, broadcast on 21st January 2021, reported on the re-opening of schools and included a discussion on the topic with the Teachers Union of Ireland (TUI) President, a representative of the National Parents Council and Government Chief Whip, Jack Chambers.

The Forum considered the complainant's view that the interviews with the union representatives were conducted in a more combative manner in comparison to the interviews with the other contributors. The Forum also considered the contention in the complaint that the line of questioning and the language and tone used by the presenters was not impartial, was sometimes misleading and was unfair to the union interviewees. The Forum considered the crucial role current affairs presenters have in ensuring that matters of public debate or controversy are explored in a manner which is fair, objective and impartial. Part of the presenter's role is to ensure the audience has access to a wide variety of views, to facilitate the expression of contributors' opinion, which may sometimes include forceful questioning, and to reflect the views of those who are not participating in the programme.

The Forum was of the view that the interviews in both programmes were conducted in a respectful manner and, though some of the questioning may have been robust, it was in line with what is expected of current affairs programmes of this nature. Trade Union representatives in both programmes were challenged on matters relevant to their respective areas of expertise and were given ample time to respond. The line of questioning was appropriate and editorially justified, considering the issues and concerns of the wider public on this matter. The Forum was of the view that the topic was presented and discussed in a fair, objective and impartial manner and there was no reasonable possibility of audiences being misled on the issues discussed.

The Forum concluded that the content did not infringe on the relevant legislation or Code in the manner described by the complainant. As such, the complaint was rejected.

Complaint Reference Number	**C5463**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Drivetime Study Hub
Broadcast Date	21st January 2021
Broadcast Time	18:30
Programme Description	Drivetime Study Hub is an interactive half-hour of advice and support for second-level students broadcast each Tuesday and Thursday evening.
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a)(fairness, objectivity, and impartiality in news & current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – Rule 4.1. Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards – Principle 3.

Complaint Summary

The complaint relates to a broadcast on Drivetime which looked at the Honours Maths, Paper 1 for Leaving Certificate students.

The complainant objects to the views of two contributors to the programme; a secondary school maths teacher and a Professor in Psychiatry at Trinity College and the negativity portrayed by the broadcast in respect of students taking the Honours Maths paper. The complainant questions the selection criteria used by the broadcaster when inviting the contribution from the Professor as opposed to other teachers and academics who have first-hand experience of maths knowledge. The negative comments, such as receiving a H6 being the Holy Grail and students preferring to walk on hot coals than do logs, by both the presenter and the contributor do not best serve the students sitting their exams.

Later in the segment the Professor spoke about the mental health of students facing into the Leaving Certificate. The complainant questions the contribution of a psychiatrist to a normal life event and suggests that this advice was not required for all students.

The complainant believes the advice by both contributors was unwarranted and rather than aid students, it had the opposite effect.

Broadcaster Response Summary

The broadcaster states that the segment of Study Hub on Drivetime is an educational resource which came about because of school closures due to Covid-19. Due to the educational element of this segment, the broadcaster is of the view the provision of news and currents affairs does not apply. Both contributors to the segment are well established in their respective fields, a maths teacher who is an authoritative Maths educator with 40 years teaching experience and a Professor of Psychiatry who has contributed to many RTÉ programmes on strategies for coping with stress and anxiety during the pandemic.

The broadcaster further states that negative views of Maths are commonplace for many listeners, and they do not believe the comments were harmful to students or their parents.

The broadcaster does not consider that this segment infringed the requirements of the Codes.

Decision of Executive Complaints Forum

Havving considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Codes, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity & Impartiality in News and Current Affairs, Rule 4.1, and under the Code of Programme Standards, Principle 3. The Code of Fairness, Objectivity & Impartiality requires that news and current affairs content shall be presented in an objective and impartial manner and that the broadcast treatment of news and current affairs, including matters which are either of public controversy is fair to all interests concerned. Principle 3 of the Code of Programme Standards requires that viewers are protected from harm.

The Forum discussed the issue of whether the Code of Fairness, Objectivity & Impartiality applied to this broadcast. The Forum was of the view that the Drivetime Study Hub segment did not form part of the news and current affairs coverage in the programme and, therefore, the Code does not apply to the segment.

The Forum had regard to the matters raised by the complainant and the view that the item infringed the Code of Programme Standards. The Forum noted the complainant's view that the advice offered by the programme contributors to Leaving Certificate students planning to take the Math's Paper 1 was harmful to the students. The Forum considered the experience and expertise of both contributors and noted the focus of the programme was to aid pupils sitting their Leaving Certificate. The Forum was of the view that the broadcast was informative and in the public interest and that comments made about the difficulty in sitting this paper are well-known and would not cause harm to the students.

The Forum found no evidence in the broadcast to support the views of the complainant that the programme infringed the Code of Programme Standards. As such, the complaint was rejected.

Complaint Reference Number	**C5464**
Complainant	[redacted]
Station	RTÉ2
Programme Name	Seriously, Sinéad?
Broadcast Date	14th January 2021
Broadcast Time	22:20
Programme Description	The programme follows the exploits of Corkonian comedian, Sinead Quinlan, and her daily adventures as detailed in her diary
Complaint Category	Broadcasting Act 2009 – Section 48(1)(b)(harm & offence); The BAI Code of Programme Standards – Principles 2, 3 & 5

Complaint Summary

The complaint concerns a skit on modern day Mass featured on the programme, Seriously, Sinéad.

The complainant believes the skit was blasphemous and that it was likely to cause serious offence to many, particularly Catholics, who are a substantial majority of Irish citizens.

Broadcaster Response Summary

The broadcaster states that the premise of this programme is a take on how to launch a comedy career during a global pandemic, with comedy clubs closed for the foreseeable future. The Mass sketch was devised as the only place where the comedian, Sinéad, would be able to interact in front of an audience. The sketch did not intend to harm or offend, but rather reflect the comedian's own experience of coming from a small village in Cork and her monologue mixed absurdist, surrealist comedy with warm-hearted observations about life in a pandemic. The broadcaster states that the aim was to showcase the lengths and safety measures churches have had to implement to deal with Covid-19 protocols.

The broadcaster notes that audiences were made aware of the nature of the programme, that it was scheduled after the "watershed", and that audience expectation of satire and comedy is that it will push the boundaries of societal issues and the human condition. The broadcaster acknowledges that satire and comedy may sometimes offend, however, there is still a place for this type of content in broadcasting. In this instance, the broadcaster is satisfied that the content did not cause undue offence and believes there is no basis to uphold the complaint on any of the grounds cited or under any provision of the broadcasting legislation or regulatory code.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Codes, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under Principles 2, 3 and 5 of the Code of Programme Standards. The Code requires broadcasters to take due care to ensure audiences are not exposed to harmful content. The Code recognises that harm or offence may be caused solely by the

programme material itself or by virtue of the context in which programme material is viewed or heard or because the material is not in line with the audience's expectations. Broadcasters are also required to show due respect for religious views, images, practices and beliefs, though this is not intended to prevent critical scrutiny of religion.

The Forum noted the content was a sketch featuring a comedian trying to maintain her comedy career at a time when venues are closed because of the public health restrictions in place for Covid-19. The comedian observes that Mass is the only place with an "audience", and she attempts to do a comedy set for the churchgoers.

In considering the complainants view that the sketch was blasphemous and likely to cause serious offence to many, the Forum noted that the main character in the sketch was making fun of her own failed attempt to do a stand-up routine in a church. The sketch highlights the absurdity of doing a comedy set in a context so completely different from a comedy club or venue and of the application of social distancing measures in this environment. The Forum did not consider that Mass or religion were the central subjects of the comedy in the sketch and concluded that the content had not infringed the requirement to show due respect for religious views, images, practices and beliefs.

The Forum also had regard to the context of the programme and its broadcast. The Forum observed that the sketch was reflective of the nature of the programme overall, which is a comic exploration of strangeness and absurdities of everyday life during the pandemic. The audience for the programme would expect comedy of this type and it was scheduled appropriately.

In considering whether the content complained of caused harm or offence, the Forum noted that the Code recognises that matters which cause offence can differ from person to person and are largely subjective in nature, whereas harmful content is less subjective and has an 'effect', in that it can cause mental, psychological or physical harm. The Forum concluded that the content was unlikely to have caused harm to the audience, as it is characterised in the Code. The Forum also concluded that while the sketch may cause offence to some because of the subject matter, it was unlikely to have caused undue offence, considering the context of the programme and its broadcast.

The Forum decided that the programme did not infringe the relevant provisions of the Broadcasting Act 2009 or the Code of Programme Standards. As such, the complaint was rejected

Complaint Reference Number	**C5465**
Complainant	[redacted]
Station	RTÉ One
Programme Name	U.S. Presidential Inauguration
Broadcast Date	20th January 2021
Broadcast Time	15:30
Programme Description	Coverage of the Inauguration of the U.S. President, Joe Biden.
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a)(fairness, objectivity & impartiality in news & current affairs); the BAI Code of Fairness, Objectivity & Impartiality in News and Current Affairs – Rules 4.1, 4.2, 4.17, 4.20, 4.22 & 4.24.

Complaint Summary

The complaint relates to remarks made by a contributor during the coverage of U.S. President Joe Biden's inauguration.

The complainant takes issue with comments made by one of the panel members during the coverage of the Inauguration. The panellist described the newly inaugurated president and vice-president as "two frauds" and suggested that one of the two was a "bona fide criminal". The complainant maintains that this statement is baseless and is a personal view from the contributor and represented a lapse in standards by the broadcaster.

Broadcaster Response Summary

The broadcaster states that the panel was made up of contributors with different and opposing viewpoints. The broadcaster notes that, in the context of a political discussion with divergent views, one contributor said of the President and Vice President that "two frauds" were sworn in and one was a "bona fide criminal". The broadcaster states that the presenter challenged the contributor stating that there was no evidence to support this view and closed down this aspect of the conversation, as is consistent with the role of the presenter in moderating a discussion.

The broadcaster believes there is no basis to uphold this complaint.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Codes, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.2, 4.17, 4.20, 4.22 and 4.24. The Code requires that news and current affairs content shall be presented in an objective and impartial manner and that the broadcast treatment of current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned. The Code requires news and current

affairs to be presented with due accuracy and for significant mistakes to be acknowledged and rectified speedily. The Code recognises the important role of the presenter in ensuring the audience has access to a wide variety of views and that 'personal view' or 'authored' programmes are clearly signalled to the audience.

The Forum noted that the programme presented live coverage of the inauguration of US President, Joe Biden, with commentary and discussion from the presenter and a contributor. During the coverage, the presenter quotes from the President's speech and asks the contributor, "Did Joe Biden appeal to you in that inaugural address there? Did you buy that message of unity, of healing, of hope?". In response, the contributor expresses doubt that the President can achieve those aims and makes unsubstantiated allegations against the President and Vice President. The presenter interrupts the contributor to clarify that the broadcaster does not have evidence of that and moves the discussion on from this point.

The Forum considered the complainants view that the contributor's statement was baseless and the content represented a lapse in standards by the broadcaster. The Forum expressed concern about the choice of contributor given the nature of the content and the potential for controversial remarks but acknowledged that broadcasters have editorial independence in choosing contributors for their programmes. The Forum noted the presenter's intervention was swift and clear in stating that there was no evidence to support the contributor's assertion and she moved the discussion quickly away from this point. Considering the action taken by the presenter, the Forum did not believe the content infringed the requirements of fairness, objectivity and impartiality in the Code. On one particular point, the Forum noted that the coverage was not a 'personal view' programme or an 'authored' programme and, therefore, the provisions of rule 4.24 of the Code did not apply.

The Forum found no evidence that the programme infringed the relevant provisions of the Broadcasting Act 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. As such, the complaint was rejected.

Complaint Reference Number	**C5470**
Complainant	[redacted]
Station	RTÉ One
Programme Name	U.S. Presidential Inauguration
Broadcast Date	20th January 2021
Broadcast Time	15:30
Programme Description	Coverage of the Inauguration of the U.S. President, Joe Biden.
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a)(fairness, objectivity and impartiality in news & current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – Rules 4.1, 4.2, 4.17, 4.22 & 4.24.

Complaint Summary

The complaint relates to remarks made by a contributor during the coverage of the inauguration of the U.S. President, Joe Biden.

The complainant takes issue with comments made by a panel contributor during coverage of the inauguration. The contributor described the new US President as a criminal. The complainant found this an outrageous comment and believes the broadcaster did not meet expected standards by inviting a contributor on its programme who would make such controversial commentary.

Broadcaster Response Summary

The broadcaster states that the panel contributors were chosen for commentary on the US Presidential inauguration who offered different and opposing viewpoints. The broadcaster noted that, in the context of a political discussion with divergent views, one contributor said of the President and Vice President that "two frauds" were sworn in and one was a bona fide criminal complicit in violations of intelligence oversights and directives. The broadcaster states that the presenter challenged the contributor stating there was no evidence to support this view and closed down this aspect of the conversation, which was consistent with the role of the presenter in moderating a discussion.

The broadcaster believes that this broadcast was fully compliant with the relevant statutory and regulatory requirements.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.2, 4.17, 4.22 and 4.24. The Code requires that news and current affairs content shall be presented in an objective and impartial manner and that the broadcast treatment of current affairs, including matters which are either of public controversy or the

subject of current public debate, is fair to all interests concerned. The Code requires news and current affairs to be presented with due accuracy. The Code recognises the important role of the presenter in ensuring the audience has access to a wide variety of views and that 'personal view' or 'authored' programmes are clearly signalled to the audience.

The Forum noted that the programme presented live coverage of the inauguration of US President, Joe Biden, with commentary and discussion from the presenter and a contributor. During the coverage, the presenter quotes from the President's speech and asks the contributor, "Did Joe Biden appeal to you in that inaugural address there? Did you buy that message of unity, of healing, of hope?". In response, the contributor expresses doubt that the President can achieve those aims and makes unsubstantiated allegations against the President and Vice President. The presenter interrupts the contributor to clarify that the broadcaster does not have evidence of that and moves the discussion on from this point.

The Forum considered the complainants view that the contributor's comment was outrageous and that the broadcaster did not meet expected standards by having this contributor on the programme. The Forum expressed concern about the choice of contributor given the nature of the content and the potential for controversial remarks but acknowledged that broadcasters have editorial independence in choosing contributors for their programmes. The Forum noted the presenter's intervention was swift and clear in stating that there was no evidence to support the contributor's assertion and she moved the discussion quickly away from this point. Considering the action taken by the presenter, the Forum did not believe the content infringed the requirements of fairness, objectivity and impartiality in the Code. On one particular point, the Forum noted that the coverage was not a 'personal view' programme or an 'authored' programme and, therefore, the provisions of rule 4.24 of the Code did not apply.

The Forum found no evidence that the programme infringed the relevant provisions of the Broadcasting Act 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. As such, the complaint was rejected.

Complaint Reference Number	**C5471**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Today with Claire Byrne
Broadcast Date	15th January 2021
Broadcast Time	10:00
Programme Description	Current affairs programme broadcasting each weekday morning Monday to Friday from 10am to 12noon.
Complaint Category	Broadcasting Act 2009 Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards – Principle 2.

Complaint Summary

The complaint concerns a comment made by a contributor to the programme in discussions about Mother and Baby Homes. The complainant quotes the contributor, Richard Boyd Barrett, T.D., as saying, "essentially letting the church and state off the hook for their responsibilities for this, what was really the Catholic Taliban state that was operating". The complainant take issue with likening the Catholic Church to the Taliban and believes it was an offensive comparison. The complainant is also of the view that the presenter should have intervened and challenged this comment.

Broadcaster Response Summary

The broadcaster states that Richard Boyd Barrett, T.D., was invited to speak on this programme because he had spoken in the Dáil and expressed very strong views on the subject of the Mother and Baby Homes Report.

It is the broadcaster's view that taking the programme in its entirety, the contributor is speaking historically about the Irish State and Catholic Church in tandem. The broadcaster understands the contributor's use of the word "Taliban" to signify an ultraconservative political and religious ethos, furthered by the Irish State and Catholic Church in relation to Mother and Baby Homes. The broadcaster believes it is clear from the full quote that the contributor was not referring to the Catholic Church as a Taliban State, but rather to both the State and Church displaying the characteristics of Taliban ultra-conservatism.

The broadcaster states that there are two important considerations under Principle 2: audience expectation and whether material may cause offence. The broadcaster is of the view that the audience for this programme expect stories such as this one to be discussed in a thorough and robust manner and that their prior knowledge of the contributor means they would expect him to be frank in his views.

The broadcaster expresses a view that this programme ought to be considered in its entirety, to include archivist, Catriona Crowe's, view that the report acknowledged some good things done by the Catholic Church, and Senator Lisa Chambers' opinion that ultimate responsibility lay with the State.

Overall, the broadcaster does not believe that the comment caused undue offence and it was within audience expectation of how the discussion was handled.

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Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under Principle 2 of the Code of Programme Standards. The Code recognises that harm or offence may be caused solely by the material itself or by virtue of the context in which programme material is viewed or heard or because the material is not in line with the audience's expectations.

The Forum noted the complaint concerned a panel discussion about the Mother and Baby Homes Report. In this discussion, one contributor, expresses his view that the Report downplays the responsibility the Church and State have for these Homes and that the Report is, "essentially letting the Church and State off the hook for their responsibility for this, you know really, what was this sort of Catholic Taliban State that was operating, treating women and children in the most appalling ways."

The Forum noted the complainant believes the above comment was an offensive comparison of the Catholic Church with the Taliban and the presenter ought to have intervened and challenged it. In considering this complaint, the Forum noted that the Code recognises that matters which cause offence can differ from person to person and are largely subjective in their nature. The Code acknowledges that there can be no guarantee that programme material will be free from offence and there is no right not be offended, however, broadcasters can guard against undue offence by ensuring content is editorially justified and/or in the public interest. The Forum considered the phrase "Catholic Taliban State" was used in the context of a discussion about the lack of separation between Church and State in Ireland and the treatment of women and children in religious and State institutions. The discussion was in a current affairs programme, which would ordinarily include robust and challenging contributions from a range of perspectives about the issues of the day. The audience for this programme would expect such contributions in the coverage of current affairs topics in this programme. As such, the Forum concluded that while the term may cause some offence, it would not have caused undue offence in this context.

The Forum found no evidence that the programme infringed the relevant provisions of the Broadcasting Act 2009 or the Code of Programme Standards. As such, the complaint was rejected.

Complaint Reference Number	**C5473**
Complainant	[redacted]
Station	RTÉ One
Programme Name	RTÉ 6.01 News
Broadcast Date	27th February 2021
Broadcast Time	18:01
Programme Description	The Six One News is a news programme, including sports and weather, broadcast each evening at 6.01pm.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs: Rules 4.2, 4.17, 4.19 and 4.20.

Complaint Summary

The complaint concerns a news report on the Six One News about protests in Dublin City Centre over public health restrictions in place for Covid-19.

The complainant is of the view that the news report contained misinformation that the protests included far left or left-wing elements. The complainant believes the broadcaster has a responsibility to challenge information before reporting it and that many viewers will not have seen the subsequent report that corrected this information, which was broadcast 12 hours later.

Broadcaster Response Summary

The broadcaster states that the correspondent correctly and accurately reported that the Garda Commissioner said there were far left groups involved in the protests. The broadcaster states that the Commissioner corrected his remarks and RTÉ also reported this.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.2, 4.17, 4.19 and 4.20. The Code requires that news be reported and presented in an objective and impartial manner and without any expression of the broadcaster's own views. The Code also requires that news and current affairs be presented with due accuracy, that views and facts shall not be misrepresented or presented in such a way as to render them misleading, and significant mistakes shall be acknowledged and rectified as speedily as possible.

The Forum noted the news report covered an anti-lockdown demonstration in Dublin. Following the report, the news presenter discussed the item with the broadcaster's Crime Correspondent, who said, *"Who is responsible? At this stage, the Gardaí believe it's a combination of groups which*

gathered both at the top of Grafton Street and also outside the GPO – anti-vax protestors, anti-mask protestors, anti-Covid restrictions protestors and also members of both the far right and the far left."

The Forum considered the complainant's view that the news report was inaccurate in reporting the involvement of the far left in the protests. The Forum noted that the news correspondent did not state directly that far left participated in the protests but reported that it was the Gardaí's view that the far left was involved. The inaccuracy was in the information provided by the Gardaí to the correspondent and not in the correspondent's comments. The Forum noted in the broadcaster's response to this complaint that the Gardaí later corrected their information about who was behind the protests and RTÉ reported this correction.

The Code requires news be presented with "due accuracy" and the use of the word "due" is important in that it recognises that the accuracy required is adequate and appropriate, having regard to the circumstances known at the time of broadcast. The Code recognises that stories will evolve and are not static and they will require updating and revision over the course of a broadcast news cycle. In this context, the Forum concluded that the inaccurate information was reported in an evolving news story was corrected appropriately.

On this basis, the Forum was satisfied that the content had not infringed the relevant provisions of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the Broadcasting Act 2009. Accordingly, the complaint was rejected.

Complaint Reference Number	**C5484**
Complainant	[redacted]
Station	RTÉ2
Programme Name	Seriously, Sinéad?
Broadcast Date	14th January 2021
Broadcast Time	22:20
Programme Description	The programme follows the exploits of Corkonian comedian Sinead Quinlan and her daily adventures detailed in her diary
Complaint Category	Broadcasting Act 2009 – Section 48(1)(b)(harm & offence); The BAI Code of Programme Standards – Principles 2 and 5.

Complaint Summary

The complaint concerns the treatment of religion, religious teachings and religious practices in the programme, Seriously, Sinéad.

The complainant states that programme showed crass disregard for the sensitivity of religious believers, and Christians in particular. The complainant maintains the programme featured off-colour jokes about the immaculate conception, it treated Mass as just a show, and included a scene of a priest distributing communion by firing communion hosts around the church as if they were confetti. The complainant is of the view that the content was offensive and did not show due respect for religious views, images, practices and beliefs.

Broadcaster Response Summary

The broadcaster states that the premise of this programme is a take on how to launch a comedy career during a global pandemic, with comedy clubs closed for the foreseeable future. The Mass sketch was devised as the only place where the comedian, Sinéad, would be able to interact in front of an audience. The sketch did not intend to harm or offend, but rather reflect the comedian's own experience of coming from a small village in Cork and her monologue mixed absurdist, surrealist comedy with warm-hearted observations about life in a pandemic. The broadcaster states that the aim was to showcase the lengths and safety measures churches have had to implement to deal with Covid-19 protocols and provide a comedic twist on the reality of the situation.

The broadcaster notes that audiences were made aware of the nature of the programme, that it was scheduled after the "watershed", and that audience expectation of satire and comedy is that it will push the boundaries of societal issues and the human condition. The broadcaster acknowledges that satire and comedy may sometimes offend, however, there is still a place for this type of content in broadcasting. In this instance, the broadcaster is satisfied that the content did not cause undue offence and believes there is no basis to uphold the complaint on any of the grounds cited or under any provision of the broadcasting legislation or regulatory code.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under Principles 2 and 5 of the Code of Programme Standards. The Code requires broadcasters to show due respect for religious views, images, practices and beliefs, though this is not intended to prevent critical scrutiny of religion. The Code recognises that harm or offence may be caused solely by the programme material itself or by virtue of the context in which programme material is viewed or heard or because the material is not in line with the audience's expectations.

The Forum noted the content was a sketch featuring a comedian trying to maintain her comedy career at a time when venues are closed because of the public health restrictions in place for Covid-19. The comedian observes that Mass is the only place with an "audience", and she attempts to do a comedy set for the churchgoers.

The Forum noted the complainants view that the sketch was offensive, showed crass disregard for the sensitivity of Christians and did not show due respect for religious views, practices and beliefs. In considering the complaint, the Forum noted that the main character in the sketch was making fun of her own failed attempt to do a stand-up routine in a church. The sketch highlights the absurdity of doing a comedy set in a context so completely different from a comedy club or venue and of the application of social distancing measures in this environment. The Forum did not consider that Mass or religion were the central subjects of the comedy in the sketch and concluded that the content had not infringed the requirement to show due respect for religious views, images, practices and beliefs.

The Forum also had regard to the context of the programme and its broadcast. The Forum observed that the sketch was reflective of the nature of the programme overall, which is a comic exploration of strangeness and absurdities of everyday life during the pandemic. The audience for this programme would expect comedy of this type and it was scheduled appropriately. The Forum concluded that the sketch may cause offence to some because of the subject matter, but it was unlikely to have caused undue offence, considering the context of the programme and its broadcast.

The Forum decided that the programme did not infringe the relevant provisions of the Broadcasting Act 2009 or the Code of Programme Standards. As such, the complaint was rejected.

Complaint Reference Number	**C5485**
Complainant	[redacted]
Station	RTÉ 2
Programme Name	First Dates
Broadcast Date	11th February 2021
Broadcast Time	21:30
Programme Description	The programme features single people meeting for a blind date at the First Dates Restaurant
Complaint Category	Broadcasting Act 2009 – Section 48(1)(b) (harm and offence); the BAI Code of Programme Standards – Principles 1, 2 and 4.

Complaint Summary

The complaint concerns comments made by one of the participants on the programme.

The complainant states that one participant made comments that were obscene, lewd and should not have been broadcast. The complainant noted that children could have been watching the programme because they are allowed to stay up late during the current public health restrictions.

Broadcaster Response Summary

The broadcaster states that this a well-known format programme in the genre of dating. It is an adult programme, broadcast after 9pm on RTÉ2, where there is an established audience expectation for programmes that often contain sexual references. Considering these factors, the broadcaster does not believe that the comments caused undue offence. The broadcaster notes that this was aired after the 'watershed' and states that the BAI acknowledges that parents and/or guardians have a shared responsibility for material viewed by children.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Codes, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under Principles 1, 2 and 4 of the Code of Programme Standards. The Code requires that programme material respects community standards, including attitudes to specific language terms and sexual content. The Code recognises that harm or offence may be caused solely by the programme material itself or by virtue of the context in which programme material is viewed or heard or because the material is not in line with the audience's expectations. The Code also requires broadcasters to protect children from unsuitable material.

The Forum noted the programme format is couples meeting for the first time and having a date. The complaint concerned comments made by one programme participant which the complainant believes were obscene and lewd. The Forum noted the complaint did not identify specific comments in the

programme but acknowledged that the content, at times, contained frank discussions about sex and sexual innuendo.

In considering whether the content caused offence, the Forum noted that the Code recognises that matters which cause offence can differ from person to person and there is no guarantee that programme material will be free from offence. There is no right not to be offended but broadcasters can guide viewers and listeners in their choices to reduce the potential for offence. The Code guards against undue offence, which is programme material that, taking into account contextual factors such as editorial justification and public interest, could still be regarded as having crossed a line that results in the viewer or listener being unduly offended.

The Forum noted that the format of this programme is well established and known, and the audience expect the programme will likely contain conversations about sex and relationships. The programme is scheduled at a time suitable for adult-oriented content and on a channel aimed at a younger adult audience who are less likely to be offended by such content. The Forum acknowledged that some of the content may have caused offence to the complainant because of the subject matter, but it was unlikely to have caused undue offence, considering the context of the programme, audience expectation, type of channel and time of broadcast. The Forum also concluded that the scheduling of the programme after 9pm gave adequate protection to children from unsuitable material, noting that parents and guardians share a responsibility for what children listen to and watch.

The Forum decided that the programme did not infringe the relevant provisions of the Code of Programme Standards or the Broadcasting Act 2009. As such, the complaint was rejected.

Complaint Reference Number	**C5490**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Liveline
Broadcast Date	4th February 2021
Broadcast Time	13:45
Programme Description	Daily phone-in chat show
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b) (harm & offence); the BAI Code of Programme Standards – Principles 2, 3 and 6.

Complaint Summary

The complaint refers to a segment of the programme which featured the views of two holidaymakers who had contravened Covid-19 public health restrictions on travel by holidaying abroad.

The complainant takes issue with the presenter giving airtime and a sympathetic listening to two holidaymakers who had travelled to the Canary Islands thereby breaching the current travel restrictions in place for Covid-19. The complainant believes that publicising their behaviour on the programme was likely to promote, or incite to, crime or as tending to undermine the authority of the State, by encouraging others to follow their example and cause harm by spreading Covid-19. The complainant is also of the view that promoting the behaviour of these two callers was irresponsible and reprehensible and the programme would have caused offence to people who lost loved ones to Covid-19.

Broadcaster Response Summary

The broadcaster refutes the complainants view that the programme in question was irresponsible and reprehensible in airing the views of two individuals who had contravened the travel restrictions in place for Covid-19. The broadcaster notes that Liveline has covered many issues in relation to Covid-19 and, in this programme, the two callers who had travelled abroad were robustly interviewed by the presenter and six other callers who strongly disagreed with their actions were featured.

The broadcaster states that Liveline has a well-founded audience expectation of robust debate and exchanges and the views aired on the programme are challenged and debated. The broadcaster also noted that Liveline is a public access phone-in programme and the phone lines were open to any listener who wished to make a contribution during the broadcast or during subsequent broadcasts.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under Principles 2, 3 and 6 of the Code of Programme Standards. The Code recognises that harm or offence may be caused solely by the programme material itself or by virtue of the context in which programme material is viewed or heard or because the material is not in line with the audience's expectations. The Code requires broadcasters to take due care to ensure audiences are not exposed to harmful content. Broadcasters shall also not broadcast material likely to promote, or incite to, crime or as tending to undermine the authority of the State.

The Forum noted the complainant's view that giving airtime to two people who were breaching public health travel restrictions, combined with the presenter's approach to dealing with these people, was offensive to listeners who lost loved ones to Covid-19 and caused harm by effectively encouraging listeners to also breach travel restrictions, thereby breaking the law and undermining the authority of the State.

In considering this complaint, the Forum noted that the Code recognises that matters which cause offence can differ from person to person and are largely subjective in nature. The Code acknowledges that there can be no guarantee that programme material will be free from offence and that there is no right not to be offended, however, broadcasters can guard against undue offence by ensuring content is editorially justified and/or in the public interest. The Forum was of the view that it was editorially legitimate to cover the story of people breaching travel restrictions and to allow members of the public challenge those people and their actions and offer their views on the matter. The Forum noted the Liveline programme format involves members of the public discussing matters of current debate, generally from the perspective of the individual and their story and experience. This episode of the programme was in keeping with that format and the audience for the programme would expect this type of content. The Forum acknowledged that the programme may have offended some people but, taken in context and as a whole, it did not cause undue offence.

In considering whether the audience was protected from harmful content, the Code requires broadcasters not to broadcast material that encourages people to imitate acts which are damaging to the health and safety of themselves or others. The Forum noted the presenter's questions and approach allowed the two people in breach of travel restrictions to talk positively about their experience and suggest others do the same. However, the programme also included many callers who strongly challenged the two people and expressed negative opinions about their actions. The Forum was of the view that the programme overall did not positively present the actions of the two people nor did it encourage listeners to copy their actions. The Forum found no evidence in the broadcast of the promotion of crime or of listeners being incited to crime or of content tending to undermine the authority of the State.

On this basis, the Forum decided the content did not infringe the relevant provisions of the Code of Programme Standards or the Broadcasting Act 2009. Accordingly, the complaint was rejected.

Complaint Reference Number	**C5492 and C5493**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Liveline
Broadcast Date	27th & 28th January 2021
Broadcast Time	13:45
Programme Description	Daily phone-in chat show
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity & impartiality in news & current affairs); the BAI Code of Fairness, Objectivity & Impartiality in News and Current Affairs – Rules 4.1, 4.2, 4.19, 4.20, 4.21 and 4.22.

Complaint Summary

The complaint refers to two broadcasts covering the topic of Life Loans from Bank of Ireland.

The complainant claims that the programme broadcast multiple significant mistakes and inaccurate claims about Lifetime Loan products, which were not challenged by the presenter but were repeated by him as if they were factual and accurate. The complainant believes the presenter ought to have corrected the mistakes and challenged the claims as they were made because the presenter and researchers were familiar with Lifetime Loan products from an episode of Lifeline on the topic in January 2016. The complainant also contends that, having made significant mistakes in the broadcast, it was incumbent on the programme to correct them after the complainant contacted the programme makers requesting a statement be read out to correct the errors.

The complainant maintains that, over the two programmes, there were seventeen callers critical of Lifetime Loan products and he was the only caller to correct mistakes and challenge claims made about the products. The complainant states he received abuse from callers to the programme when he was trying to set out the facts. The complainant believes that the programme makers should have done more to ensure a balanced debate on the issue and, if unable to do so, the presenter ought to have provided that balance.

The complainant believes the presenter's views on Lifetime Loan products were clear from his language and tone and the lack of robust challenges to the callers. The complainant is of the view the presenter's comments and tone, overall, were prejudiced and biased against life loans.

Broadcaster Response Summary

The broadcaster does not believe the caller-driven discussion on Liveline about buyer's remorse in relation to bank loans constitutes current affairs *per se.* Notwithstanding this, the broadcaster defends the content against the claims made by the complainant.

The broadcaster notes that the first programme focussed on the large number of calls from people who had had negative experiences with Lifetime Loan products and the testimony broadcast was based on their personal experiences. The broadcaster states that the second programme included

the complainant as one of the callers and he was given fair treatment and ample time to explain and defend Lifetime Loan products. The broadcaster also states that adequate right of reply was given to Bank of Ireland and Spry Finance.

The broadcaster refutes the allegation that the programme allowed significant mistakes and inaccurate claims to be broadcast without challenge. The broadcaster states that callers outlined their personal experiences of Lifetime Loan products and, in cases where specific figures may have been misused, the key point of the discussion over the two programmes remained valid, that is, whether Lifetime Loans helped or harmed the customer.

The broadcaster rejects the complainant's view that it was clear from the presenter's tone and language and lack of challenge to callers what his views on Lifetime Loan products were. The broadcaster states that the presenter's style is well established and is in keeping with the recognised tone of the programme and that he acted properly and fairly at all times, including making comments in defence of the products.

Decision of Executive Complaints Forum

Having considered the broadcasts and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, Rules 4.1, 4.2, 4.19, 4.20, 4.21 and 4.22. The Code requires that the broadcast treatment of current affairs is fair to all interests concerned and is presented in an objective and impartial manner. Broadcasters are required to comply with principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. Views and facts shall not be misrepresented or presented in such a way as to render them misleading and significant mistakes shall be acknowledged and rectified as speedily as possible. The Code recognises that current affairs presenters have a role in facilitating the expression of contributors' opinions and ensuring audiences have access to a wide variety of views.

The complaint concerns discussions about Life Loans and these are financial products that are currently available in Ireland. The Forum was satisfied the content constituted current affairs and that the Code of Fairness, Objectivity and Impartiality in News and Current Affairs was applicable. The Forum noted the programmes complained of were not news programmes and, therefore, rule 4.21 does not apply.

The Forum noted the complainant's view that the programme contained significant mistakes and inaccurate claims about Life Loans and that these were not sufficiently challenged but were, at times, repeated by the presenter. The Forum noted that callers to the programme discussed the topic of Life Loans from their personal experience, or the experience of a family member, of having taken out such a loan. The discussion on the programme largely focused on individual stories and personal experiences as a way to explore the broader topic of whether Life Loans are helpful or harmful to people. This approach to a matter of current debate is in keeping with the regular format of this caller-driven programme and is in keeping with audience expectations of the programme. During

this programme, callers made many claims about their experience or their family members' experience with these loans and it would be impractical for the broadcaster to attempt to verify all of them. The Forum is satisfied that listeners to the programme understand that claims made by individual callers are their views or opinions or experiences and they are not akin to statements on a topic made by political, industry or civil society representatives as may be found in other current affairs programmes. Considering this context, the Forum was of the view that the content was not misleading on the topic under discussion.

The Forum considered the complainant's view that the programme did not meet the requirements of fairness in the Code by having just one person out of all the callers speak in defence of Life Loans. The Forum noted that appropriate implementation of the fairness principle should not be taken to mean that an 'artificial balance' is required in order to comply with the Code, nor should it be taken to imply that equal allocation airtime is always necessary to achieve fairness. The Forum was satisfied that callers were facilitated in telling their personal stories and a financial advisor, the complainant, was given ample time to express his views in defence of Life Loans.

The Forum noted the complainants claims that the programme presenter's views on Life Loans were clear and his comments and tone, overall, were prejudiced and biased. The Code recognises that some current affairs programmes are synonymous with personalities, where the manner in which the presenter presents or interviews contributors can be keenly anticipated by audiences. Often the nature and style of the presenter is a key factor in what engages audiences and draws them into consideration and debate on matters of public controversy and current public debate. The Code seeks to prevent a partisan position being advocated by the presenter and to guard against a presenter using the programme to pursue an agenda. The Forum noted that this presenter's style is well known and is often sympathetic to callers to elicit their stories. The presenter did, at times, repeat some of the claims made by callers, but also made comments in defence of some aspects of Life Loans and facilitated one caller in giving their views in defence of Life Loans. While sympathetic to the callers who had had bad experiences with Life Loans, the Forum found no evidence in the content of the presenter advocating a partisan position or pursing an agenda.

Overall, the Forum decided the content did not infringe the relevant provisions of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the Broadcasting Act 2009. Accordingly, the complaint was rejected.

Complaint Reference Number	**C5494**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Today with Claire Byrne
Broadcast Date	24th March 2021
Broadcast Time	10:00
Programme Description	Current affairs programme broadcasting each weekday morning.
Complaint Category	Broadcasting Act 2009 Section 48(1)(a) (fairness, objectivity & impartiality in news and current affairs); the BAI Code of Fairness, Objectivity & Impartiality in News and Current Affairs – rules 4.1 and 4.22.

Complaint Summary

The complaint concerns comments made by the presenter in relation to the closure of the construction industry due to Covid-19 public health restrictions.

The complainant believes that the presenter made flippant remarks about lads in vests in a café that were biased and discriminatory towards the construction industry. The complainant is of the view that the programme undermined those in industries who oppose further lockdowns and the programme does not provide opposing views on the lockdown.

Broadcaster Response Summary

The broadcaster believes the programme content complied with the relevant provisions of the Broadcasting Act 2009 and the related standards in the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs.

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Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, Rules 4.1 and 4.22. The Code requires that the broadcast treatment of current affairs is fair to all interests concerned and is presented in an objective and impartial manner. The Code also recognises the role of current affairs presenters in ensuring audiences have access to a wide variety of views and presenters are not permitted to express their own views on current affairs such that a partisan position is advocated.

The Forum noted the content in question was an interview the with the Chairman of the O'Flynn Construction Group in the context of pressure on Government to lift the Covid-19 public health restrictions for the construction industry. The complaint references remarks by the presenter during the interview regarding "5 lads in vests in a café". The Forum noted the presenter's remarks were somewhat different to those quoted in the complaint. During the programme, the interviewee claimed

that construction sites were safe workplaces in the context of Covid-19 and the presenter challenged this, saying, “It’s not what happens in the workplace per se, it’s about the congregation outside of that, isn’t it? It’s about five lads going into a Centra for a breakfast roll”. The interviewee responded, “I think we’re victims of the yellow vests that people have to wear”.

The Forum noted that the representative of the construction industry was facilitated in expressing his views and the broadcast was a fair and impartial discussion of the issues associated with the Covid-19 public health restrictions and their impact on the industry. The Forum found no evidence in the content of bias against the construction industry or of people opposing lockdowns being undermined.

The Forum decided the content did not infringe the relevant provisions of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the Broadcasting Act 2009. Accordingly, the complaint was rejected.

Complaint Reference Number	**C5496**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	This Week
Broadcast Date	14th March 2021
Broadcast Time	13:00
Programme Description	News and Current Affairs, broadcast each Sunday.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - Rules 4.1, 4.2 and 4.22.

Complaint Summary

The complaint refers to comments made by the presenter about the upcoming Irish Synod during an interview with the Bishop of Limerick.

The complaint notes that early in the interview the presenter made a comment suggesting that the upcoming process would not change the church's position on married priests and the universal church teaching will remain. The complainant contends that this is inaccurate because the Catholic Church already has married priests, for example, when married Anglican clergy become Catholic priests. The complainant states that the presenter is incorrect in saying that celibacy is a teaching, whereas it is a tradition.

The complainant is of the view that it is not for the broadcaster to decide what the Synod will consider and what the outcomes will be. The complainant believes the presenter was confused or made a mistake or promoted her own belief in making this comment which was predicting the outcome of a process, which had not yet begun.

Broadcaster Response Summary

The broadcaster states that the interview included discussion on the best way the Catholic Church could reach today's world. During the interview, Bishop Leahy, explained the nature of a local Synod and the presenter made the point that a Synod of this kind would not be able to address issues such as women priests and married priests and asked what roles the Church might create for women. The broadcaster believes it was editorially appropriate to ask the question and the interviewee's response indicated he understood the context.

The broadcaster believes the content was compliant with the relevant statutory and regulatory codes.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.2 and 4.22. The Code requires that the broadcast treatment of current affairs is fair to all interests concerned and presented in an objective and impartial manner. Broadcasters are required to comply with principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. The Code also recognises the role of current affairs presenters in ensuring audiences have access to a wide variety of views and presenters are not permitted to express their own views on current affairs such that a partisan position is advocated.

The Forum considered the complainant's view that an inaccurate comment was made by the presenter and that the presenter promoted her own belief by making the comment during the interview with the Bishop of Limerick. The Forum noted that the Bishop explained that, following the Irish Catholic Bishops' Conference, it was announced that there will be a new Synodal Pathway for the Catholic Church in Ireland. The Forum noted that the presenter then asked a question regarding the role of women in the Catholic Church going forward. The Forum considered that this question was editorially justified in the context of the interview topic and that the presenter did not promote a partisan position by posing the question.

The Forum noted the programme featured a discussion with the Bishop of Limerick about an upcoming Irish Synod, during which the Bishop offered his views on the aims of this Synod and how it will address contemporary challenges. The presenter asked the Bishop, "Now let's be clear, this Irish process isn't going to give us women priests or married priests. The universal Church teaching will remain, so what roles might this future Church create for women here?"

The Forum noted the complainant's view that the presenter's remarks were inaccurate because there are married former Anglican clergy in the Catholic Church and that celibacy is a tradition, not a teaching. The Forum was satisfied that the interviewee, as a Bishop, is knowledgeable and expert in Catholic teaching, traditions and practice, and was given ample time to respond to the question. The Forum did not believe the presenter's language or the terminology used would have been misleading for the audience about the subject under discussion. The Forum considered the question editorially justified in the context of the interview and found no evidence in the content of the presenter expressing her own views such that a partisan position is advocated.

On this basis, the Forum decided the content did not infringe the relevant provisions of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the Broadcasting Act 2009. Accordingly, the complaint was rejected.

Complaint Reference Number	**C5498**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Liveline
Broadcast Date	3rd March 2021
Broadcast Time	13.45
Programme Description	Live phone-in programme covering range of topics, broadcast each weekday.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); the BAI Code of Programme Standards - Principles 2 and 5.

Complaint Summary

The complaint concerns comments made by a caller to the programme during a debate between a farmer supporting the practice of meat eating and a woman supporting veganism.

The farmer, in support of this views, referenced a story from the Bible about the fatted calf slaughtered for the return of the prodigal son. In responding to this, the woman said, "There are a lot of things in the Bible, like beat your children and beat your wife, that we know about, that we know is unjust."

The complainant believes that the women's comment is a false statement and that listeners to the programme may get the impression that the Bible condones violence against women, and this is offensive to women and demeans their dignity. The complainant is also of the view that the statement does reputational damage to the Bible and, as a Christian, is offended by it.

Broadcaster Response Summary

The broadcaster states that Liveline is a caller driven programme that has a well-established audience expectation for robust and heated exchanges between callers, guests and the presenter on a wide range of topics. The broadcaster states that the remarks were made in the context of callers debating the validity of using the Bible as a historical reference point regarding meat eating.

The broadcaster notes that the Code of Programme Standards recognises that there may be times a broadcast causes offence, that offence is subjective and varies from person to person and that there is no right not to be offended. The broadcaster states that the threshold is undue offence and the broadcaster does not believe that the content caused undue offence.

The broadcaster believes that the item was fully compliant with all the relevant statutory and regulatory provisions.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under Principles 2 and 5 of the Code of Programme Standards. The Code recognises that harm or offence may be caused solely by the programme material itself or by virtue of the context in which programme material is viewed or heard or because the material is not in line with the audience's expectations. Programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society. The Code requires broadcasters show due respect for religious views, images, practices and beliefs.

The Forum noted the item on the programme was prompted by a poster by 'Go Vegan World' which compared a lamb to a child. One caller, a farmer, defended meat-eating by arguing it is a practice dating back to biblical times and the killing of the fatted calf in the story of the Prodigal Son. Another caller responded, saying, "Well, to use the length of time or a religion to justify something that's completely indefensible...there are a lot of things in the Bible, like beat your children and beat your wife, that we know about, that we know is unjust."

In considering this complaint, the Forum noted that the Code recognises that matters which cause offence can differ from person to person and are largely subjective in nature. The Code acknowledges that there can be no guarantee that programme material will be free from offence and there is no right not to be offended, however, broadcasters can guard against undue offence by ensuring content is editorially justified and/or in the public interest. The Forum noted the discussion in the programme was focused on meat-eating and veganism and not on matters contained in the Bible. The references to violence in the Bible were made by one caller to illustrate her point that the Bible should not be used to justify current practices in relation to meat-eating. The Forum noted that the discussion ended soon after the woman's comments and there was no time in the programme to explore any of these views in more detail.

The Forum considered contextual factors related to the broadcast, including the type of programme and audience expectations of the programme. The Forum noted that this is a caller-driven programme that explores the issues of the day through individual stories, experiences and opinion. The programme format is well established and audiences expect to hear robust and, sometimes, controversial opinions from callers to the programme. The Forum concluded that while the broadcast may have caused offence to some listeners, it was unlikely to have caused undue offence to the wider audience.

The Forum found no evidence in the content that the broadcast condoned discrimination against persons and groups in society based on their gender or religious beliefs.

On this basis, the Forum was satisfied that the content had not infringed the relevant provisions of the Code of Programme Standards or the Broadcasting Act 2009. Accordingly, the complaint was rejected.

ÚDARÁS CRAOLACHÁIN NA hÉIREANN | BROADCASTING AUTHORITY OF IRELAND

Broadcasting Authority of Ireland
Broadcasting Complaints Decisions

September 2021

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BAI Complaints Handling Process

Viewers and listeners to Irish television and radio can complain about broadcasting content which they believe is not in keeping with the standards provided for in relevant provisions of the Broadcasting Act 2009 and/or the Broadcasting Authority of Ireland's Codes. Complaints are required to identify the relevant programme or commercial communication and the related date and time of broadcast. The complainant is asked to explain what it is about the broadcast that has led them to make a complaint and why the programme material or commercial content does not comply with the relevant legislation or BAI Codes. The Codes may be found on the BAI's website: www.bai.ie, by emailing info@bai.ie or by phoning the BAI on 01 644 1200.

In general, the viewer or listener should direct their complaint to the broadcaster in the first instance and in the manner set out in the broadcaster's Code of Practice for Handling Complaints, a document which each broadcaster is required to have available on its website. If a complainant is not satisfied with the response from the broadcaster or if the broadcaster does not respond within the timeframe provided for in their Code of Practice (usually 21 days), the complaint may be referred to the BAI for consideration.

In assessing complaint referrals, the BAI has regard to the relevant legislation and Codes, the written material submitted by the relevant parties, together with the broadcast material. Complaints are assessed by the Executive Complaints Forum or by the Compliance Committee of the BAI. Further information may be found on the complaints handling section of the BAI's website: www.bai.ie.

This document contains copies of the most recent complaints decisions made by the Compliance Committee and the Executive Complaints Forum. The decisions concern whether a programme or a commercial communication did or did not comply with the relevant legal requirements and/or Codes. The decisions do not constitute endorsement or support for the views of any party to a complaint nor do they address every aspect of a complaint submission. The BAI does not carry out a separate or independent assessment outside of the matters raised in the complaint.

During the period from May to July 2021, one (1) complaint was considered and rejected by the Compliance Committee of the BAI. Fifteen (15) complaints were considered by the Executive Complaints Forum, with one (1) complaint upheld in part and fourteen (14) rejected.

The decision of the Compliance Committee was reached at its meeting held on 2nd June 2021, while the decisions of the Executive Complaints Forum were reached at meetings held on 25th May, 22nd June, 13th July and 27th July 2021.

Rejected by Compliance Committee

Complaint Reference Number	**C5495**
Complainant	Anonymous
Station	RTÉ One
Programme Name	Prime Time – Forgotten Children
Broadcast Date	25th February 2021
Broadcast Time	21:35
Programme Description	Current affairs programme
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in current affairs) and (b) (harm and offence) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - Rules 4.1 and 4.2 BAI Code of Programme Standards - Principles 3 and 7

Complaint Summary

The complaint concerns a report and interview on the programme about the experience of children, under the care of the State, who were boarded out to families in the community. The programme segment deals with individual experiences of abuse, neglect and exploitation, and discusses the absence of any redress scheme for those children, who are now adults.

The complainant claims that allegations of abuse made by one interviewee on the programme were false. The complainant states that these allegations in the programme have caused immense distress, harm and offence to the complainant's mother, who is a member of the family with whom the interviewee was boarded out. The complainant states that the complainant's mother does not recollect problems with the interviewee or him being treated badly and believes he was treated the same as everyone else.

The complainant believes the accusations in the programme are unfair and questions the journalistic standards of the programme and whether the claims made by the interviewee were investigated to confirm their validity.

The complainant notes that the programme identifies the village in which the interviewee lived with the foster family and this made the family identifiable to members of that community. The complainant states that the complainant's family was contacted by a person from the village after the programme was broadcast to suggest the complainant should watch it. The complainant claims that at least two people in the area would have known the complainant's grandparents, with whom the interviewee was boarded out. The complainant believes the programme was not fair to all concerned.

Broadcaster Response Summary

The broadcaster states that the interviewee has his story and has a right to share it. The broadcaster chose to tell his story as part of a broader piece about the boarding out system that used to exist in Ireland.

The broadcaster acknowledges that the complainant's mother has her own memories and experiences and notes that it is not unusual for two people to have had very different experiences as children in the same setting, to the extent that one child is unaware of the other child's perspective.

Decision of the Compliance Committee

Having considered the broadcasts and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Codes, the Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The Committee noted the complaint relates to rules 4.1 and 4.2 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that current affairs content, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of: (1) fairness, (2) objectivity and impartiality, (3) accuracy and responsiveness, and (4) transparency and accountability.

The Committee noted the complaint also relates to Principles 3 and 7 of the Code of Programme Standards. The Code requires broadcasters to take due care to ensure audiences are not exposed to harmful content and also requires broadcasters to ensure the privacy of individuals is not unreasonably encroached upon.

The Committee noted the key focus of the programme was on people who had experienced abuse, neglect and/or exploitation when "boarded out" as children and who were excluded from State redress Schemes. The editorial approach to the topic was to tell the personal stories and testimony of some of those affected by their experience of being "boarded out". The segment which is the subject of the complaint relates to the story of one interviewee.

In considering whether the content was presented in an objective and impartial manner and was fair to all interests concerned, the Committee noted the programme named the village where one interviewee was "boarded out" but did not name any individuals that were the subject of allegations made by the interviewee. The Committee was of the view the focus of the programme was not to uncover or reveal individual wrongdoing but rather to highlight, through a range of personal stories, that there is a group of people who experienced wrongdoing while under the care of the State who are denied access to a form of redress. The Committee believes there is a public interest in covering this subject, it is an editorially legitimate approach to use personal experiences to tell the story, and the level of personal detail included in the programme was appropriate, in this context.

The Committee was mindful of the fact that some of the programme content was of a personal and sensitive nature to the complainant and that the complainant disputes some of the claims made by one of the interviewees. The Committee noted the claims made by this interviewee were already in the public domain, having been covered in an article in a national newspaper. The Committee also noted that, in disputing the interviewee's claims, the complainant did not use personal testimony but relied on views expressed by a relative of the complainant. This person is not a party to this

complaint. The Committee acknowledges the programme may have caused distress to the complainant and the complainant's relative, but the Committee also recognises the entitlement of the interviewee to speak about his experience and memories of his childhood. The Committee observed that it is not unusual for people to have different memories of childhood events.

In the context of the subject of the programme and the editorial approach taken to subject, the Committee was satisfied the programme had been fair to all interests and had been objective and impartial in how it covered the story.

In considering whether the programme caused harm, the Committee noted the Code of Programme Standards recognises harmful material is material that has an 'effect', that is, content that causes mental, psychological or physical harm. The Code requires broadcasters to take due care when broadcasting programme material containing characters, actions and personal circumstances with which audiences may identify and which can cause distress.

The Committee noted the programme contained personal stories of abuse, sexual abuse, exploitation and neglect that may potentially cause distress to the audience but was of the view the subject was treated sensitively and did not include any graphic imagery or gratuitous detail. The Committee observed that, while protecting audiences from harmful content, broadcasters must be free to make programmes that may be provocative or deal with sensitive issues. The Committee was of the view that there is editorial justification for covering this story and a public interest in raising awareness of it. The Committee also considered contextual factors of the programme: the type of programme; the broadcast channel, the time of broadcast and the likely expectations of the audience. The Committee noted this is a current affairs programme, broadcast after 9pm on a channel known for dealing with serious current affairs issues, and the programme has an established audience that would expect content of this nature. On this basis, the Committee was satisfied the content would not have caused harm, as is characterised in the Code, to a general audience. The Committee acknowledged the programme may have caused distress to the complainant and the complainant's relative but determined that the public interest in covering this subject justified the broadcast of the programme.

In considering whether the programme unreasonably encroached on the complainant's privacy, the Committee noted the Code of Programme Standards requires complaints regarding privacy to be made by the person whose privacy may have been unreasonably encroached upon. A parent, guardian or representative nominated by the person, may make a complaint on behalf of the person where appropriate. In this case, the complaint is not made by the person whose privacy may have been unreasonably encroached upon and it is not evident the complainant was nominated to make this complaint on behalf of a person whose privacy may have been unreasonably encroached upon. On this basis, the Committee decided Principle 7 of the Code did not apply to the complaint.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the Code of Programme Standards or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. On this basis, the Committee rejected the complaint.

Upheld in Part by Executive Complaints Forum

Complaint Reference Number	**C5525**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Drivetime
Broadcast Date	5th May 2021
Broadcast Time	16:30
Programme Description	News and current affairs.
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) and (b) (Fairness, Objectivity and Impartiality in News and Current Affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.1, 4.2, 4.17, 4.19 and 4.22

Complaint Summary

The complaint concerns a discussion on the proposed redevelopment of Galway Harbour.

The complainant believes the segment was not fair to all interests concerned, did not present the matter in an objective or impartial manner, and parts of the broadcast were presented in such a way as to be misleading.

The complainant is of the view the segment was effectively an advertisement in favour of developing the port because there was no mention of any opposition to the plan and or the history of opposition to the development of the port. The complainant notes that all the speakers were in favour of the development and the presenter's commentary did not bring any balance to the discussion.

The complainant believes the segment gave the impression the redevelopment of the port was agreed or decided and some listeners would not have understood from the segment that this is a controversial project with significant public opposition.

Broadcaster Response Summary

The broadcaster states the report focused on the announcement of the public consultation regarding the re-development of the Galway Harbour area that took place that day, 5th May 2021. The broadcaster notes that two contributors outlined the proposed plan and it was clearly said that the proposal to extend/relocate the port was subject to planning permission and that the project had been referred to the EU Commission in relation to the Habitats Directive.

The broadcaster states the item was not a debate about the merits of the proposal and the presenter's questions were neutral and sought information on the plans.

The broadcaster notes there is no requirement to have an alternative view in every item or report on a controversial or topical issue and the omission of a viewpoint or perspective does not automatically result in unfairness.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided, by a majority, to uphold the complaint in part. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in in News and Current Affairs, rules 4.1, 4.2, 4.17, 4.19 and 4.22. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. News and current affairs shall be presented with due accuracy and views and facts shall not be misrepresented or presented in such a way as to render them misleading. Current affairs presenters must ensure the audience has access to a wide variety of views on a subject and must reflect the views of those who cannot or choose not to, participate in content.

The content complained of was a report on the redevelopment of Galway Harbour in the context of a public consultation on the Galway Harbour Company's development plans. The content included pre-recorded interviews with the Chief Executive of the Galway Harbour Company, the Galway Harbour Master and the local TD and Minister of State at the Department of Transport, and also included exchanges between the programme presenter and reporter.

In considering the complainant's view that parts of the broadcast were presented in such a way as to be misleading, the Forum noted the report clearly referenced the public consultation in relation to the project, the need for the project to comply with planning processes and that such processes were ongoing. The Forum found no examples of inaccuracies in the report or of views or facts that were misrepresented or presented in a way that could be misleading.

In considering the complainant's view the broadcast was not fair to all interests concerned by not providing a range of views on the subject, the Forum noted the Code does not require programmes to feature all viewpoints to be fair, objective and impartial in its treatment of a subject. However, there is an expectation the presenter or reporter will ensure discussions of news and current affairs issues are not one-sided and that alternative perspectives are presented, including the views of those not in attendance insofar as appropriate and practical. In this regard, the Forum noted the selected interviewees in the broadcast all expressed positive views about the proposed development of Galway Harbour and moving the port. The presenter and reporter referenced positive views about the plans in their introductions to the segment. The reporter also quoted positive comments about the plans from the Galway Mayor and the local TD and Minister of State for Transport. The questions put to the interviewees did not challenge the positive perspective on the plans nor was there any reflection of the views of those who are critical of the plans. On this basis, the Forum concluded that the broadcast did not feature a sufficient range of views to meet the requirements of fairness, objectivity and impartiality in the Code.

The Forum, by a majority, decided the broadcast had infringed rule 4.22 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs and, accordingly, upheld the complaint, in part.

Rejected by Executive Complaints Forum

Complaint Reference Number	**C5499**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Nine O'Clock News
Broadcast Date	4th March 2021
Broadcast Time	21:00
Programme Description	News programme broadcast each weekday evening.
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.1, 4.2 and 4.17

Complaint Summary

The complaint concerns a news item about the Deputy Chief Medical Officer reporting that four stillbirths had occurred in circumstances where Covid-19 had infected the placenta.

The complainant claims the report was emotional, not firmly based on observable phenomena, and the material was presented sensationally rather than factually. The complainant believes the item was inaccurate in claiming a link between the four stillbirths and Covid-19 because, at the time of broadcast, no clear link had been established. The complainant believes the item took a misleading and sensational approach, which could cause unnecessary stress and worry for pregnant women.

The complainant states the item fell well short of the requirement for news to be reported and presented in an objective and impartial manner.

Broadcaster Response Summary

The broadcaster states that the Deputy Chief Medical Officer raised this matter at a public media briefing by the National Public Health Emergency Team (NPHET). The broadcaster notes the health authorities chose to publicise this matter and it would have been a strange, and arguably, highly irresponsible decision by the broadcaster to second guess that expert decision and to not report it.

The broadcaster does not believe the item was sensationalist and noted the matter did not feature in the headlines or reports, instead it was dealt with in a live interview with the broadcaster's specialist correspondent and included the most senior HSE medical expert on this issue, who was put forward for interview following the public statement by NPHET.

The broadcaster states that its correspondent made clear these were preliminary findings and he noted that NPHET thought this was something people had to be notified of.

The broadcaster notes the interviewee's comments that the findings were not necessarily in keeping with international experience and that, in the cases cited, Covid-19 may be associated with stillbirth

rather than the cause of it. The broadcaster further notes that the interviewee reassured pregnant women and advised them of what to do if they noticed anything unusual during their pregnancies.

The broadcaster states that it was acutely aware of its responsibilities not to be sensationalist and took action to ensure that the reporting could not possibly be seen to have been so.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, Rules 4.1, 4.2 and 4.17. The Code requires news to be presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. News and current affairs shall be presented with due accuracy, having regard to the circumstances and facts known at the time of preparing and broadcasting the content.

The Forum noted the content complained of was a news item featuring the news presenter interviewing a correspondent in studio about the Deputy Chief Medical Officer's public announcement that there were four incidences of stillbirths in Ireland where the Covid-19 infection had gone into the placenta. This segment was followed by a recorded interview with Dr. Peter McKenna, the Clinical Lead of the Women and Infant's Health Programme at the HSE.

In considering the complainant's view the news segment was sensational, inaccurate and misleading, the Forum noted the introduction to the segment by the presenter was somewhat sensational in describing the news as *"something of a bombshell".* However, the Forum noted the correspondent and recorded interview were not sensational and the facts were carefully reported, highlighting that this was a public announcement by the Deputy Chief Medical Officer and including important caveats on the reported information. For example, the correspondent stated that the information was *"very preliminary"* and that *"the coroner is still continuing his investigations into this. It is being scientifically investigated and that, ultimately, it was just something that they felt they had to notify people of, but they will investigate it further."* The interviewee was also cautious about the findings, stating *"This is not necessarily in keeping with international experience and there may be an explanation for these four findings; they may be associated with the stillbirth rather than the cause of them."*

The Forum also noted both the correspondent and the interviewee offered some reassurance to pregnant women. The correspondent stated, *"Most of the incidences where pregnant women have become infected with Covid-19 so far have had positive outcomes."* The interviewee stated, *"In Ireland, our experience of dealing with pregnancy and Covid has, by and large, been extremely reassuring."*

The Forum was of the view there was a legitimate public interest in reporting this matter and the information, overall, was presented factually and was not inaccurate or misleading.

On this basis, the Forum decided the content did not infringe the Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the relevant provisions of the Broadcasting Act, 2009. Accordingly, the complaint was rejected.

Complaint Reference Number	**C5503**
Complainant	[redacted]
Station	LMFM
Programme Name	Advertisement – Gleeson's Butchers, Navan
Broadcast Date	11th March 2021
Broadcast Time	08.58
Programme Description	Advertisement for Gleeson's Butchers, Navan
Complaint Category	Broadcasting Act 2009 - Section 48(1)(d) (commercial communications) BAI General Commercial Communications Code – Principle 2

Complaint Summary

The complaint relates to an advertisement for Gleeson's Butchers, Navan.

The complainant claims that St. Patrick's Day was referred to as "Paddy's Day" in the advert. The complainant believes his Catholic faith was singled out by the advert for mockery and ridicule and this caused him great hurt and distress. The complainant is of the view the advert showed contempt for his religious beliefs and the reverence in which he holds St. Patrick.

Broadcaster Response Summary

The broadcaster apologised for the advert having offended the complainant. The broadcaster believes the use of the term "Paddy's Day" was inadvertent and suggested it would not be used in the client's adverting in future, in agreement with the client. The broadcaster subsequently advised the advert was revised the next day.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under Principle 2 of the General Commercial Communications Code, which provides that commercial communications shall not prejudice respect for human dignity or cause serious or widespread offence.

The Forum noted the advertisement was for a butcher and referred to "Paddy's Day" in the advertising copy.

In considering the complainant's view that the use of the term "Paddy's Day" in the advertisement was offensive to him and his religious beliefs, the Forum noted the term refers to the Feast of Saint Patrick, which is a cultural and religious celebration in Ireland. The Forum noted there is widespread use of the colloquial term "Paddy's Day" when referring to this Feast Day and, while this may offend some, it would not cause serious or widespread offence. The Forum found no evidence of mockery or ridicule of religion or religious beliefs in the content.

The Forum also acknowledged the broadcaster had acted promptly to revise the advertisement, replacing “Paddy’s Day” with “St. Patrick’s Day”. The Forum found the broadcaster had acted in a responsible manner to help alleviate any offence caused to the complainant.

The Forum decided the content did not infringe the relevant provisions of the General Commercial Communications Code or the Broadcasting Act 2009. Accordingly, the complaint was rejected.

Complaint Reference Number	**C5504**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Today with Claire Byrne
Broadcast Date	12th April 2021
Broadcast Time	10:00
Programme Description	Current affairs programme, broadcast each weekday morning Monday to Friday from 10am to 12noon
Complaint Category	Broadcasting Act 2009 Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.1 and 4.2.

Complaint Summary

The complaint relates to a discussion about lifting Covid-19 public health restrictions with the founder and chair of Wetherspoons and an infectious diseases specialist, an RCSI Professor.

The complainant states that, during the discussion, one contributor referenced Professor Ioannidis of Stanford University and the presenter stated she did not know this person and she could not allow him to be quoted. The complainant also states that the other contributor said he did not know this person. The complainant finds it unbelievable this professor is not known to the presenter and the other contributor. The complainant believes they are ignorant or are deliberately choosing to ignore a statistic published by this professor because it does not fit with the broadcaster's narrative on this issue.

Broadcaster Response Summary

The broadcaster notes that, during the programme, one contributor referenced Professor Ioannidis' suggestion that for under-70s, Covid-19 is half as dangerous as flu. The broadcaster states that the contributor was allowed to finish his point in support of the professor and his views, and to give his opinions on policies for lifting the public health restrictions. The broadcaster noted the other programme contributor responded to the substance of the point and, consequently, a lack of knowledge of the professor was immaterial to the exchange.

The broadcaster states there is no requirement for presenters or contributors to be familiar with particular experts and the lack of knowledge of a particular expert does not constitute a breach of the requirements of the Broadcasting Act or the BAI's Codes.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Codes, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, Rules 4.1 and 4.2. The Code requires current affairs content to be presented in an objective and impartial manner and the broadcast treatment of current affairs is fair to all interests concerned. In the treatment of news and current affairs, broadcasters are also required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability.

The Forum noted the discussion item in the programme was the re-opening of non-essential retail and hospitality in the UK and the possible re-opening options for Ireland. The discussion featured contributions from the founder and chair of a large pub chain in the UK and from a professor specialising in infectious diseases. Towards the end of the discussion, the former contributor referenced Professor Ioannidis of Stanford University and his statistic that Covid-19 is half as dangerous as the flu. The presenter said she did not know this Professor and expressed caution about using data from unknown sources. It appeared the other contributor was not aware of Professor Ioannidis or his work, but he was given an opportunity to give his opinion on the statistic provided.

The Forum noted the complainant's view that the presenter's and contributor's lack of knowledge of Professor Ioannidis and the choice to ignore his statistic on Covid-19 resulted in a lack of fairness, objectivity and impartiality in the programme.

In considering this complaint, the Forum noted the programme provided ample time to one of the contributors to express views that were critical of Covid-19 public health restrictions. The Forum noted the statistic referenced by the complainant was not ignored in the programme, but rather the relevant expert on the panel was asked by the presenter to respond to it with his opinion. The Forum notes there is no requirement in the Code for the presenter of a programme or any panel member to have knowledge of every expert on a given topic in order to meet the requirements of the Code. The Forum found that this lack of knowledge did not impact on the fairness, objectivity or impartiality of the overall programme.

The Forum decided the programme did not infringe the relevant provisions of the Broadcasting Act 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the complaint was rejected.

Complaint Reference Number	**C5506**
Complainant	[redacted]
Station	Classic Hits
Programme Name	The Colm & Lucy Breakfast Show
Broadcast Date	9th April 2021
Broadcast Time	06:00
Programme Description	Light entertainment show, broadcast each weekday morning
Complaint Category	Broadcasting Act 2009 – Section 48(1)(b) (harm and offence) BAI Code of Programme Standards – Principles 3 and 6

Complaint Summary

The complaint concerns a discussion between the two presenters of the programme about the lifting of Covid-19 public health restrictions in Northern Ireland and Britain. The presenters discussed the possibility of going to a beer garden in Northern Ireland or going to London on a cheap flight for lunch and drinks and not having to quarantine on return. The complainant notes that no mention was made of travel restrictions in place in Ireland.

The complainant believes this conversation was irresponsible, harmful and against the public interest, in that it encouraged listeners to break the law and act contrary to Government and NPHET advice aimed at reducing the spread of Covid-19 and keeping people safe.

Broadcaster Response Summary

The broadcaster states that this conversation was a "tongue in cheek" response to the lifting of Covid-19 restrictions in the UK, which meant there were different restrictions applying to different parts of the island of Ireland. The broadcaster believes it is important its programming reflects a cross-section of listener views and, in this case, the programme reflected general topics of conversation in relation to public health restrictions and was conversational and light-hearted. The broadcaster states that the presenters did not suggest anyone should break the restrictions in place in this country.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Codes, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code Programme Standards, Principles 3 and 6. The Code requires viewers and listeners be protected from harm and that broadcasters shall not broadcast anything likely to promote or incite to crime.

The Forum noted the content complained of was a short exchange between the two presenters of the programme, which highlighted that public health restrictions on pubs and restaurants in the UK were going to be lifted shortly. The presenters discussed the potential impact of this on Irish people, particularly people living near Northern Ireland, who were still living under the highest level of

restrictions. The presenters then called on listeners to let them know if they had plans to avail of the eased restrictions.

Principle 6 of the Code requires broadcasters not broadcast material likely to promote or incite to crime. The Forum noted the presenters discussed the possibilities of travelling to Northern Ireland or London to have a beer. One of the presenters speculated that people living near Northern Ireland would be likely to cross the border to have dinner and a drink and then travel home. One presenter also noted that there are flights for €15 to London, which would allow people to fly to London for lunch and have a few beers and come back to Ireland without having to quarantine. The presenters asked listeners if they had any plans to do any of these things. The Forum noted the conversation was a light-hearted take on different public health restrictions in place in Ireland and the UK and the practical difficulties in having different restrictions in the context of the Northern Ireland border and inexpensive travel between Ireland and Britain. The Forum noted the presenters did not call on listeners to do any of the actions discussed on the programme and could not identify a definite act of incitement in the programme.

In considering whether the content was harmful, the Forum noted that Principle 3 of the Code requires broadcasters not broadcast material that encourages people to imitate acts which are damaging to the health and safety of themselves or others. The Forum noted the presenters discussed their own willingness or comfort in breaking the travel restrictions to go to the UK or Northern Ireland and asked listeners if they had plans to do so, but the conversation did not include any encouragement to do these things. The Forum also had regard to certain contextual factors of the broadcast – the type of programme and the audience's expectations. The Forum noted this is an entertainment breakfast chat show that would normally feature such light exchanges between the presenters and the audience would expect such conversation, rather than a serious examination of the issues of the day. In this context, the Forum concluded the content was not harmful.

The Forum decided the programme did not infringe the relevant provisions of the Broadcasting Act 2009 or the Code of Programme Standards. Accordingly, the complaint was rejected.

Complaint Reference Number	**C5507**
Complainant	[redacted]
Station	Virgin Media One
Programme Name	Ireland AM
Broadcast Date	1st April 2021
Broadcast Time	09:45
Programme Description	News, interviews and lifestyle programme broadcast each weekday 7am – 10am and weekends from 9am to 12pm
Complaint Category	Broadcasting Act 2009 – Section 48(1)(b) (harm and offence) BAI Code of Code of Programme Standards – Principle 2

Complaint Summary

The complaint relates to comments made by a guest in conversation with the presenter.

The complainant states that while tasting cocktails, the guest asked the presenter if he liked a "sugary rim". The complainant contends the guest said this several times and the presenter thought it was hilarious. The complainant found the language and innuendo offensive and inappropriate for broadcast on this programme and at this time of day.

Broadcaster Response Summary

The broadcaster notes the programme segment complained of was a cocktail-making demonstration that contained light-hearted exchanges between the presenter and the guest on the programme.

The broadcaster notes the channel, Virgin Media One, is not a children's channel and the programme, Ireland: AM, is not a children's programme. The broadcaster also notes the segment was broadcast during children's schooltime.

The broadcaster is of the view that audience expectations for this segment would be such that the possibility of innuendo or banter of this nature would not be surprising or offensive.

The broadcaster noted the comment about making cocktails that had a sugary rim referred to what was being done at the time in the cocktail-making demonstration. The presenter picked up on a secondary meaning to this term, which refers to sex, and this caused him to laugh. The broadcaster notes the segment did not go any further than this and believes that, while most people would not have noticed it, those that did would not perceive the content as being out of context with this type of programme.

The broadcaster concludes that it does not believe the content crossed a line that resulted in undue offence or that it was in breach of Principle 2 of the Code of Programme Standards.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under Principle 2 of the Code of Programme Standards. The Code recognises that offence may be caused solely by the programme itself or by virtue of the context in which the programme is viewed or because it is not in line with the audience's expectations.

The Forum noted the content was a short exchange between the presenter and a guest during a cocktail demonstration, in which the guest told the presenter the name of a non-alcoholic cocktail was "sugary rim". The presenter struggled not to laugh, having apparently noted the sexual innuendo in the term.

In considering whether the content was offensive and inappropriately broadcast, the Forum noted the Code recognises that matters which cause offence can differ from person to person and are largely subjective in nature and, consequently, there can be no guarantee that programme material will be free from offence and there is no right not to be offended. Broadcasters are required, however, to guide the audience in making informed choices by providing warnings and/or by scheduling programming appropriately, considering the nature of the programme, the broadcast channel, the time of broadcast and audience expectations. Broadcasters must not broadcast content that would cause undue offence, that is, programme material that could still be regarded as having crossed a line, having taken into account the relevant contextual factors.

The Forum noted there was one reference to sexual innuendo in the content and the presenter and guest did not discuss the term or make any explicit reference to sex, which means anyone watching who did not understand the term would not likely have been offended. The Forum noted the programme is aimed at an adult audience, is broadcast at a time when children are normally at school and is broadcast on a channel aimed at an adult audience. The Forum was of the view the segment was in keeping with the nature and style of this programme, which deals with adult-oriented matters and can take a light-hearted approach to lifestyle items. The Forum was also of the view the content was not out of step with the audience's expectations of the programme and the channel. On this basis, the Forum concluded that, while the segment may have caused offence to the complainant, it was unlikely to have caused undue offence, as it is described in the Code.

The Forum decided the programme had not infringed the relevant provisions of the Broadcasting Act, 2009 or the Code of Programme Standards. On this basis, the Forum rejected the complaint.

Complaint Reference Number	**C5508**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	News at One
Broadcast Date	12th May 2021
Broadcast Time	13:00
Programme Description	News, sport, business and interviews, broadcast at 1pm each day
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) (Fairness, Objectivity and Impartiality in News and Current Affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.1 and 4.2

Complaint Summary

The complaint relates to an interview with the Israeli Ambassador to Ireland regarding the current conflict between Israel and Palestine.

The complainant believes that conducting an interview with the Israeli Ambassador and failing to feature someone representing the Palestinian perspective does a disservice to the listener and displays a lack of journalistic integrity. The complainant further believes the presenter did the bare minimum regarding the probity of his questioning and, with no one to offer countering viewpoints or rebuttals, the complainant maintains listeners were denied an honest discussion of the facts.

Broadcaster Response Summary

The broadcaster states that it is an established principle there is no statutory or regulatory requirement for balance and there is no requirement that both sides must be interviewed on a topic.

The broadcaster states that the coverage was not confined to the interview with the Israeli Ambassador - it was preceded by an interview with journalist based in Gaza, Fady Hanona, who reported on the impact of hundreds of Israeli strikes on civilians and infrastructure. The presenter followed this by asking the Israeli Ambassador to comment on the reports that he was told by the Minister for Foreign Affairs that civilian casualties were totally unacceptable. The broadcaster maintains the interview was probing and robust and the Ambassador was questioned and challenged repeatedly on the impact of strikes on the civilian population.

The broadcaster states that News at One is a news, rather than current affairs, programme, and the focus of interviews of this kind is generally on developing and probing the unfolding news events.

The broadcaster believes the programme was fully compliant with all the relevant statutory and regulatory obligations.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, Rules 4.1 and 4.2. The Code requires news to be presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability.

The Forum noted the news report comprised the presenter's introduction to the news item about the conflict in Israel and Palestine, a recorded interview with a journalist in Gaza to discuss the impact of the conflict on civilians and Gaza's infrastructure, and an interview with the Israeli Ambassador to Ireland to discuss the ongoing conflict.

In considering the complainant's view the programme failed to meet the requirements of the Code by not featuring a Palestinian representative, the Forum noted the Code does not require programmes to feature all viewpoints on an issue in order to be objective and impartial in its treatment of a subject. However, there is an expectation the presenter will ensure discussions of news and current affairs issues are not one-sided and that alternative perspectives are presented, including the views of those not in attendance insofar as appropriate and practical. In this regard, the Forum noted the interview with the journalist from Gaza prior to the interview with the Ambassador provided information on the impact of the conflict on people living in Gaza. In addition, the Forum was of the view the presenter's interview with the Ambassador was challenging and robust in asking probing questions on civilian casualties and asking him to account for the actions of the Israeli government and military. Taking the report in its entirety, the Forum found no evidence of a lack of objectivity or impartiality in the treatment of the subject.

The Forum decided the broadcast had not infringed the relevant provisions of the Broadcasting Act 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. On this basis, the Forum rejected the complaint.

Complaint Reference Number	**C5511**
Complainant	[redacted]
Station	RTÉ Radio One
Programme Name	Brendan O'Connor Show
Broadcast Date	9th May 2021
Broadcast Time	11:00
Programme Description	Light entertainment programme, with a mix of news, views and interviews, broadcast each Saturday and Sunday morning.
Complaint Category	Broadcasting Act 2009 – Section 48(1)(b) (harm and offence) BAI Code of Code of Programme Standards – Principles 3 and 5

Complaint Summary

The complaint concerns an interview with Professor Richard Dawkins on the programme.

The complainant states that Professor Dawkins expressed the view that if prospective parents know their unborn child will be disabled, the child should be aborted, as to keep the child would cause suffering in the world.

The complainant believes this amounted to hate speech against a minority group and that expressing a view that a minority of people with potential, talent and insight should be killed before birth because it might make life a bit more challenging for the rest of society is akin to ethnic cleansing. The complainant also states that the presenter offered little to no counterargument to the Professor's views. The complainant is of the view the content was insulting, could potentially stir up hatred against the disabled community and that the language used by the Professor was unjustified and there was no editorial justification for its use in the programme.

The complainant believes the broadcaster ought to make a formal apology to the disabled community for the distress caused by this broadcast.

Broadcaster Response Summary

The broadcaster notes the content complained of concerned a statement made by Professor Dawkins to a person who had posed an "ethical issue" to him on social media, that, in the event of an in-utero diagnosis of Down Syndrome, "It would be immoral to bring it into the world if you have the choice."

The broadcaster contends this statement was robustly challenged by the presenter who questioned the grounds for the assertion that this would be "immoral". The broadcaster notes the Professor initially stated that "immoral" had been too strong a word to use and, as the interview progressed, he retracted the phrasing entirely, admitting he had been wrong to bring morality into it, but arguing that his reasoning was based on a judgement that bringing people with disabilities into the world "would increase the amount of suffering". The broadcaster notes this viewpoint was also challenged by the presenter and under questioning, the Professor admitted he did not have a scientific basis for that assertion and acknowledged that people "who are so-called 'perfect' cause suffering in the world as well".

The broadcaster does not believe the interview constituted hate speech, citing the repeated challenges to the Professor's views by the presenter and the fact the Professor retracted some of his statements.

The broadcaster contends the content was fully compliant with the broadcaster's statutory and regulatory obligations.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code Programme Standards, Principles 3 and 5. The Code requires broadcasters to take due care to ensure audiences are not exposed to harmful content. The Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Forum noted the programme segment complained of was an interview with evolutionary biologist and author, Richard Dawkins, to discuss his book on making science accessible. The interview was wide-ranging in covering topics such as the Covid-19 pandemic, religion, truth and the evaluation of historical figures in a contemporary context. During the interview, the presenter raised the matter of a Twitter exchange involving Mr Dawkins concerning the morality of knowingly bringing a child into the world with Down's Syndrome. The presenter noted the interviewee had tweeted "Abort it and try again. It would be immoral to bring it into the world if you have the choice". The presenter questioned the interviewee about this view.

In considering whether the content was harmful, the Forum noted that the Code describes harmful material as material that has an "effect", that is, content that causes, mental, psychological, or physical harm. The Forum also noted that, while protecting audiences from harmful content, broadcasters must still be free to make programmes that may be provocative, deal with sensitive issues and include robust debate. The Forum was of the view the opinions expressed by the interviewee on this issue could be regarded as provocative and controversial and may have caused offence to some listeners. The Forum also considered how the interviewee was challenged by the presenter on his views, to the extent that he conceded he did not know for certain that the amount of suffering in the world would increase if a child with Down's Syndrome was brought into the world. Under the presenter's questioning, the interviewee also took back his claim that it would be immoral for people not to have abortions where the foetus is diagnosed with a disability. The Forum noted this is a sensitive topic that could have an emotional impact on listeners but was of the view the programme handled the subject responsibly and challenged the ideas of the interviewee appropriately and in a manner that serves the public interest. Taking the programme in whole and in context, the Forum concluded the content was unlikely to have caused harm to the audience, as its is characterised in the Code.

In considering the complainant's view the content amounted to hate speech and could stir up hatred against people with disabilities, the Forum again noted the provocative and controversial ideas raised in the programme and acknowledged these ideas could cause offence. The Forum noted the interviewee's opinions on the issue were robustly challenged by the presenter and noted the interviewee said he wanted to stress that his views did not mean that people who have a child with Down's Syndrome should not love that child. The Forum found the interview was conducted in a respectful manner and there was no evidence of threatening, abusive or insulting language or sounds that would intend to stir up hatred or where it would be likely that hatred would be stirred up against people with disabilities.

The Forum decided the content had not infringed the relevant provisions of the Broadcasting Act 2009 or the Code of Programme Standards. On this basis, the Forum rejected the complaint.

Complaint Reference Number	**C5516**
Complainant	[redacted]
Station	Newstalk 106 -108 FM
Programme Name	The Hard Shoulder
Broadcast Date	19th May 2021
Broadcast Time	16:00 – 19:00
Programme Description	News and current affairs programme, which is broadcast daily from 4.00pm to 7.00pm
Complaint Category	Broadcasting Act 2009 – Section 48(1)(b) (harm and offence); BAI Code of Code of Programme Standards – Principle 1

Complaint Summary

The complaint concerns language used by the presenter to characterise the opinions of the complainant, who was an interviewee on the programme.

The complainant, a representative of the Irish Pharmaceutical Healthcare Association, states that during a promo for an interview he was to take part in, the presenter accused the complainant of talking, what he called, "BS" in relation to a point the industry made about waiving IP rights for Covid-19 vaccines. The complainant found this term to be offensive, outrageous and unprofessional and fell well below the standards of taste expected of a broadcaster.

Broadcaster Response Summary

The broadcaster states that The Hard Shoulder regularly features the presenter's own views in authored segments on the programme. The broadcaster is satisfied the presenter offered his views in an appropriate manner and in keeping with the style of the programme and audience expectations. The broadcaster is satisfied the points raised by the complainant, who was interviewed on the programme, were explored during the discussion with the presenter on the programme.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Codes, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under Principle 1 of the Code Programme Standards, which requires broadcasters have due regard to the appropriateness of, and/or justification for, the inclusion of coarse and/or offensive language in programming.

The Forum noted the content comprised the following: a pre-recorded interview in which the interviewee made arguments against waiving the patent on Covid-19 vaccinations; presenter comments on those arguments; and an interview with a spokesperson for the Irish Pharmaceutical Health Association. The presenter's comments were, *"I do wonder though, how many of you, like me, will remember only a few weeks ago being told by the pharmaceutical industry that there was absolutely no point in waiving intellectual property rights and allowing third parties to produce generic*

versions of their vaccine. Why, they said? Because it wouldn't actually increase the supply globally. Because retrofitting a factory or building a new factory, it would take years and it would cost hundreds of millions, so there's just no point in doing it. It's not about the money, it's just about practicality. That's what they said. Lo and behold, Pfizer are doing it. They're retrofitting a factory. They're doing it in a matter of months and it's going to cost them 32 million quid. In reality, the argument they made was BS three or four weeks ago and it's still BS today. It is all to do with money."

In considering whether the use of language by the presenter was contrary to the Code, the Forum noted the Code recognises that matters which cause offence can differ from person to person and are largely subjective in nature and, consequently, there can be no guarantee that programme material will be free from offence and there is no right not to be offended. Broadcasters are required, however, to guide the audience in making informed choices by providing warnings and/or by scheduling programming appropriately, considering the nature of the programme, the broadcast channel, the time of broadcast and audience expectations. Broadcasters must not broadcast content that would cause undue offence, that is, programme material that could still be regarded as having crossed a line, having taken into account the relevant contextual factors.

The Forum noted the term used by the presenter is an acronym of a coarse term and was used to strongly emphasise his point that arguments against waiving Covid-19 vaccine patents were not sincere. The Forum noted the programme is aimed at an adult audience and is broadcast on a channel with an adult audience and the upfront style and approach of the programme and its presenter are well established. In this context, the Forum was of the view the language used by the presenter was combative but in keeping with audience expectations of the programme. The Forum concluded that while the language may have caused offence to the complainant, it was unlikely to have caused undue offence, considering the context of the programme.

The Forum decided the programme had not infringed the relevant provisions of the Broadcasting Act 2009 or the Code of Programme Standards. On this basis, the Forum rejected the complaint.

Complaint Reference Number	**C5517**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	News at One
Broadcast Date	12th May 2021
Broadcast Time	13:00
Programme Description	News, sport, business and interviews, broadcast at 1pm each day.
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) (Fairness, Objectivity and Impartiality in News and Current Affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.1 and 4.2

Complaint Summary

The complaint concerns an interview with the Israeli Ambassador to Ireland regarding the current conflict between Israel and Palestine.

The complainant believes that conducting an interview with the Israeli Ambassador and failing to feature someone representing the Palestinian perspective is not balanced reporting.

The complainant states that he contacted the Palestinian Ambassador and was informed the broadcaster had not contacted her. The complainant believes it is biased reporting by the broadcaster in presenting one side and not the other. The complainant is of the view the broadcaster ought to feature interviews with both representatives during prime-time broadcasting.

Broadcaster Response Summary

The broadcaster states that it is an established principle there is no statutory or regulatory requirement for balance and there is no requirement that both sides must be interviewed on a topic.

The broadcaster states that the interview with the Israeli Ambassador was preceded by an interview with journalist based in Gaza, Fady Hanona, who provided an 'on the ground' account of the impact of military strikes by Israel on the local population. The broadcaster states that this provided the context for the interview with the Israeli Ambassador, who was challenged throughout to account for his country's actions. The broadcaster maintains the interview was probing and robust and the Ambassador was questioned and challenged repeatedly on the impact of strikes on the civilian population.

The broadcaster states that there is no requirement to interview both Ambassadors and the fact that only one Ambassador was interviewed does not mean the programme breached any of the statutory or regulatory provisions. The broadcaster believes the programme was fully compliant with all the broadcaster's statutory and regulatory obligations.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, Rules 4.1 and 4.2. The Code requires news to be presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability.

The Forum noted the news report comprised the following: the presenter's introduction to the news item about the conflict in Israel and Palestine; a recorded interview with a journalist in Gaza to discuss the impact of the conflict on civilians and Gaza's infrastructure; and an interview with the Israeli Ambassador to Ireland to discuss the ongoing conflict.

In considering the complainant's view the programme failed to meet the requirements of the Code by not featuring a Palestinian representative, the Forum noted the Code does not require programmes to feature all viewpoints on an issue in order to be objective and impartial in its treatment of a subject. However, there is an expectation the presenter will ensure discussions of news and current affairs issues are not one-sided and that alternative perspectives are presented, including the views of those not in attendance insofar as appropriate and practical. In this regard, the Forum noted the interview with the journalist from Gaza prior to the interview with the Ambassador provided information on the impact of the conflict on people living in Gaza. In addition, the Forum was of the view the presenter's interview with the Ambassador was challenging and robust in asking probing questions on civilian casualties and asking him to account for the actions of the Israeli government and military. Taking the report in its entirety, the Forum found no evidence of a lack of objectivity or impartiality in the treatment of the subject.

The Forum decided the broadcast had not infringed the relevant provisions of the Broadcasting Act 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. On this basis, the Forum rejected the complaint.

Complaint Reference Number	**C5518**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Prime Time
Broadcast Date	20th April 2021
Broadcast Time	21:35
Programme Description	News and current affairs programme, broadcast each Tuesday and Thursday evening
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) (Fairness, Objectivity and Impartiality in News and Current Affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 17 and 19

Complaint Summary

The complaint concerns statistics on excess mortality which were broadcast on the programme.

The complainant is of the view the excess mortality statistics referenced on the programme were misleading and inaccurate, to the extent that the programme did not comply with the requirements of fairness, objectivity and impartiality.

Broadcaster Response Summary

The broadcaster is satisfied the figures broadcast in the programme were accurate and the programme was fair to all interests. The broadcaster states that it is entitled to select experts of its choosing and provide its analysis.

The broadcaster believes the programme did not infringe on any relevant statutory or regulatory provisions.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.17 and 4.19. The Code requires that news and current affairs content is presented with due accuracy and that views and facts are not misrepresented or presented in such a way as to render them misleading.

The Forum noted the complaint refers to a segment on the programme regarding the impact of Covid-19 on death rates in Ireland. The segment focused on excess mortality, a measure which compares overall deaths against the number of deaths that would normally be expected.

The Forum noted the complainant's view the statistics provided were misleading and inaccurate but found the complaint did not refer to any specific aspects of the content that were misleading or inaccurate. The Forum concluded the complaint had not made a case that the programme infringed rules 4.17 and 4.19 of the Code.

The Forum decided the content had not infringed the relevant provisions of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the Broadcasting Act 2009. On this basis, the complaint was rejected.

Complaint Reference Number	**C5520**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Sunday with Miriam
Broadcast Date	16th May 2021
Broadcast Time	10:00
Programme Description	Light entertainment programme featuring interviews with various personalities
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) (Fairness, Objectivity and Impartiality in News and Current Affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.1, 4.19 and 4.22

Complaint Summary

The complaint concerns a discussion with two guests in the context of an upcoming release of a documentary film, which features their role in the 2018 campaign to repeal the 8th Amendment to the Irish constitution.

Overall, the complainant believes the discussion with the two guests lacked objectivity and denied fairness to those who hold that pregnancy involves rights other than those of women.

The complainant states that during the discussion there were references to Savita Halappanavar as if the Eighth Amendment had been responsible for her death and this was not challenged nor was there any reference to the errors made by her medical team.

The complainant states that one guest made reference to having 'control of my own body' as a result of the repeal of the Eighth Amendment. The complainant is of the view there was no attempt in the programme to balance the discussion by pointing out the rights of “a second and genetically distinct body”.

The complainant also notes the interviewees were not asked to give their position regarding abortion in cases of disability, even though this subject arose in the discussion.

Broadcaster Response Summary

The broadcaster states that the context for this interview was the planned release of a documentary film, “The 8th” which deals with the campaign run by those who sought the repeal of the Eighth Amendment.

The broadcaster observes that it is an established principle that achieving fairness does not always require that both sides of an argument are presented. In this regard, the broadcaster notes this was not a discussion on the issues in the campaign *per se*, rather it was about the personal motivations and experiences of the two interviewees regarding the campaign.

The broadcaster also notes the presenter asked the two guests for their views on those who voted against repeal and who were opposed to abortion.

The broadcaster is of the view the interview was fully compliant with the broadcaster's statutory and regulatory obligations.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.19 and 4.22. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. Views and facts must not be misrepresented or presented in such a way as to render them misleading. Current affairs presenters must ensure the audience has access to a wide variety of views on a subject and must reflect the views of those who cannot or choose not to, participate in content.

The content complained of was an interview with two women who had been involved in the campaign to repeal the Eighth Amendment to the Irish Constitution 2018. The context of the interview was the upcoming release of a documentary about this campaign, which featured these two women.

In considering the complainant's view there was a lack of objectivity and fairness in the programme, the Forum noted the programme content was a discussion about the two women's personal experience of political activism and campaigning and it was not a panel discussion or debate about abortion generally. The subject was topical because a documentary about the political campaign to repeal the Eighth Amendment was due to be released and these two women featured in that documentary. The editorial approach to the programme was not to re-run or re-open broader debates about abortion that were had during the referendum campaign, but rather to interview these women about their experiences. The Code recognises that broadcasters have editorial freedom to choose the topics it wishes to cover, its editorial approach to covering those topics and to have contributors of its choice discuss those topics. The Forum was satisfied this was a legitimate editorial approach to the topic, the selection of contributors reflected that approach, and the programme offered an appropriate range of views on the topic.

In considering the complainant's view the contributors were not sufficiently challenged by the presenter, the Forum noted the Code does not require an adversarial approach to the treatment of current affairs or for contributors to be challenged on their personal experiences in order to ensure fairness, objectivity and impartiality in the content. In this regard, the Forum concluded t the manner in which the contributors were interviewed was appropriate in the context of the subject matter of the programme.

The Forum decided the programme did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.

Complaint Reference Number	**C5521**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	The Brendan O'Connor Show
Broadcast Date	22nd May 2021
Broadcast Time	11:00
Programme Description	Light entertainment programme with a mix of news, views and interviews, broadcast each Saturday and Sunday morning
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) (Fairness, Objectivity and Impartiality in News and Current Affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.1, 4.2, 4.17 and 4.22

Complaint Summary

The complaint concerns an interview with President Higgins on his recently published book.

The complainant alleges actions taken by the President, in connection with a rental property of his that was sold, are inconsistent with the central theme of the President's book, which the complainant describes as, "to bridge the gap between the populace and elites and to promote a move away from neoliberalism to a more socially based society and economy". The complainant is of the view the presenter ought to have challenged the President on this apparent inconsistency.

Broadcaster Response Summary

The broadcaster states the interview with President Higgins was wide-ranging and the presenter and programme team have editorial freedom to determine the issues and topics they wish to focus on.

The broadcaster observes that the Code is not intended to govern perceptions of bias on the basis of topics or subject areas that were not covered in the programme and that a decision not to cover a particular event or news story is not *de facto* evidence of a lack of fairness, objectivity and impartiality.

The broadcaster believes the interview was fully compliant with all the statutory and regulatory requirements and there was no breach of the Broadcasting Act 2009 or the related BAI Codes.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.2, 4.17 and 4.22. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality;

accuracy and responsiveness; and transparency and accountability. Views and facts must not be misrepresented or presented in such a way as to render them misleading. Current affairs presenters must ensure the audience has access to a wide variety of views on a subject and must reflect the views of those who cannot or choose not to, participate in content.

The Forum noted the complaint refers to an interview with President Michael D. Higgins on his recently published book, 'Reclaiming the European Street', a collection of the President's Europe-themed speeches from 2016 to 2020, which cover a wide range of contemporary issues. The Forum noted the interview was wide-ranging and covered many topics, some of which are not matters of current debate or controversy. However, given the political background and current political role of the interviewee, the Forum was satisfied the Code of Fairness, Objectivity and Impartiality in News and Current Affairs was applicable to the content.

The Forum noted the complaint is largely concerned with the presenter not challenging the interviewee on an apparent inconsistency between the President's actions in relation to the sale of property belonging to him, and his public positions on the broader issues related to this. The Forum noted the Code recognises that broadcasters have editorial freedom to choose what topics they wish to cover and the editorial approach to those topics. In this instance, the interview covered a range of topics, but did not focus on the particular issue raised in this complaint. The Forum noted the Code does not require programmes to cover all aspects and viewpoints on a subject matter in order to meet the requirements of fairness, objectivity and impartiality. In this case, in the context of the interview as a whole, the Forum did not believe that a failure to raise this matter with the interviewee amounted to an infringement of the Code.

The Forum decided the programme did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.

Complaint Reference Number	**C5522**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Morning Ireland
Broadcast Date	25th May 2021
Broadcast Time	07:00
Programme Description	News and current affairs.
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) (Fairness, Objectivity and Impartiality in News and Current Affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.1, 4.2 and 4.22

Complaint Summary

The complaint concerns an interview with a representative from the National Women's Council of Ireland (NWCI).

The complainant states that the spokesperson from the NWCI was opposed to doctors in Ireland having the right to conscientiously object to carrying out abortions and in favour of extending of the 12-week gestation period during which abortions are currently permitted. The complainant notes that, in the context of the upcoming review of the legislation on terminations of pregnancy, both issues are likely to be the focus of lobby groups who are in favour of liberalising the existing law. The complainant states the programme did not present any dissenting views to those mentioned.

Broadcaster Response Summary

The broadcaster notes the interview with the Director of the National Women's Council of Ireland (NWCI) was a news item about the publication by NWCI of its research report on the availability of abortion services in the context of the upcoming review of the legislation on terminations.

The broadcaster maintains it was editorially appropriate to interview the Director of NWCI about the research report and the findings of the report.

The broadcaster states that the presenter challenged the interviewee on the points raised in the complaint, that is, the right of doctors to conscientious objection and any change to the 12-week limit.

The broadcaster states that there is no statutory or regulatory requirement to have a dissenting voice on every item and that the item was fully compliant with the BAI Code.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.2 and 4.22. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. Current affairs presenters must ensure the audience has access to a wide variety of views on a subject and must reflect the views of those who cannot or choose not to, participate in content.

The Forum noted the complaint refers to an interview with a representative of the National Women's Council of Ireland (NCWI) regarding the publication of a NWCI research report on the availability of abortion services. The context of the report publication was the third anniversary of the vote to repeal the Eighth Amendment to the Irish Constitution and the upcoming Government review of legislation on terminations.

In considering the complainant's view the programme did not include dissenting views to those of the interviewee, the Forum noted the Code does not require programmes feature all viewpoints on an issue in order to be fair, objective and impartial, however, presenters have a role in reflecting a range of views on a subject. In this regard, the Forum noted the presenter referenced the upcoming review of legislation on termination and questioned the interviewee on the right of doctors to conscientiously object to carrying out terminations. In relation to the 12-week limit on terminations, the presenter put it to the interviewee that voters in the referendum may have voted in favour of repeal based on this limit and may not be happy if this were to change without a public vote. The Forum was satisfied the presenter's questioning of the interviewee met the relevant requirements of fairness, objectivity and impartiality in the Code.

The Forum decided the programme did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.

Complaint Reference Number	**C5523**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Saturday with Katie Hannon
Broadcast Date	12th June 2021
Broadcast Time	13:00
Programme Description	Current affairs – discussion and debates on current Irish politics.
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) (Fairness, Objectivity and Impartiality in News and Current Affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rule 4.1

Complaint Summary

The complaint concerns a discussion about the airline, Stobart Air, having ceased operations.

The complainant claims the discussion did not include any challenge to the view that the Irish government should provide support to the aviation industry, despite such an action having a detrimental impact on efforts to solve the climate crisis. The complainant states that the presenter failed to challenge this narrative or raise potential environmental impacts and the programme did not feature anyone who raised the environmental implications of the proposal.

Broadcaster Response Summary

The broadcaster states that the item complained of concerned the breaking story of the collapse of Stobart Air and its implications for regional airports and the aviation sector. The broadcaster notes the discussion involved a range of contributors, including political representatives from a number of political parties, trade union representatives, a travel journalist and an airline CEO.

The broadcaster states that the focus of the discussion was the immediate impact of the collapse of this airline and it was not about the environmental aspects of the matter. The broadcaster notes there is no statutory or regulatory requirement that every aspect of an issue must be canvassed. The broadcaster references the BAI Guidance Notes for the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which provides that the omission of a viewpoint or perspective on a particular issue does not automatically result in unfairness and there is no requirement for broadcasters to cover every aspect of an item in order to achieve fairness.

The broadcaster again references the BAI Guidance Notes for the Code in relation to the range of perspectives included in the discussion panel. The Guidance Notes provide that broadcasters are entitled to explore an issue with a panel of their own choosing and that, in considering whether a complaint should be upheld, regard will be given to the programme content in its entirety.

The broadcaster believes the discussion was fully compliant with the relevant statutory and regulatory requirements.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under rule 4.1 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views.

The content complained of was a panel discussion on the collapse of Stobart Air, which included some discussion about Government support for the aviation industry.

In considering the complainant's view the programme did not meet the requirements of the Code because it failed to include an environmental perspective on the subject, the Forum noted that broadcasters have editorial freedom in choosing the topics they wish to cover, the editorial approach to those topics, and to have contributors of their choice discuss those topics. In this instance, the Forum found the topic under discussion focused on the breaking story of the collapse of an airline and its impact on employees and customers and it was not about the environmental impact of the aviation industry. The Forum noted the Code does not require programmes to cover every aspect of a story or viewpoint on an issue in order to meet the requirements of fairness, objectivity and impartiality. The Forum was satisfied the editorial approach to this story was legitimate and the selection of contributors reflected that approach and offered an appropriate range of views on the subject matter under discussion.

The Forum decided the programme did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.

---ENDS---

ÚDARÁS CRAOLACHÁIN NA hÉIREANN | BROADCASTING AUTHORITY OF IRELAND

Broadcasting Authority of Ireland
Broadcasting Complaints Decisions

December 2021

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BAI Complaints Handling Process

Viewers and listeners to Irish television and radio can complain about broadcasting content which they believe is not in keeping with the standards provided for in relevant provisions of the Broadcasting Act 2009 and/or the Broadcasting Authority of Ireland's Codes. Complaints are required to identify the relevant programme or commercial communication and the related date and time of broadcast. The complainant is asked to explain what it is about the broadcast that has led them to make a complaint and why the programme material or commercial content does not comply with the relevant legislation or BAI Codes. The Codes may be found on the BAI's website, www.bai.ie, by emailing info@bai.ie or by phoning the BAI on 01 644 1200.

In general, the viewer or listener should direct their complaint to the broadcaster in the first instance and in the manner set out in the broadcaster's Code of Practice for Handling Complaints, a document which each broadcaster is required to have available on its website. If a complainant is not satisfied with the response from the broadcaster or if the broadcaster does not respond within the timeframe provided for in their Code of Practice (usually 21 days), the complaint may be referred to the BAI for consideration.

In assessing complaint referrals, the BAI has regard to the relevant legislation and Codes, the written material submitted by the relevant parties, together with the broadcast material. Complaints are assessed by the Executive Complaints Forum or by the Compliance Committee of the BAI. Further information may be found on the complaints handling section of the BAI's website: www.bai.ie.

This document contains copies of the most recent complaints decisions made by the Compliance Committee and the Executive Complaints Forum. The decisions concern whether a programme or a commercial communication did or did not comply with the relevant legal requirements and/or Codes. The decisions do not constitute endorsement or support for the views of any party to a complaint nor do they address every aspect of a complaint submission. The BAI does not carry out a separate or independent assessment outside of the matters raised in the complaint.

During the period from August to October 2021, one (1) complaint was considered and rejected by the Compliance Committee of the BAI. Eleven (11) complaints were considered and rejected by the Executive Complaints Forum.

The decision of the Compliance Committee was reached at its meeting held on 8th September 2021, while the decisions of the Executive Complaints Forum were reached at meetings held on 10th August, 15th September and 5th October 2021.

Rejected by Compliance Committee

Complaint Reference Number	**C5527**
Complainant	[redacted], on behalf of [redacted]
Programme Name, Station and Broadcast Date and Time	National Treasures: RTÉ One: 4th July 2021 at 19:30 Six One News: RTÉ One: 2nd July 2021 at 18:01 The Week in Politics: RTÉ One: 4th July 2021 at 12:00 Today with Claire Byrne: RTÉ Radio 1: 5th July 2021 at 10:00 Prime Time: RTÉ One: 6th July 2021 at 21:35
Programme Description	Related broadcasts, covering the Dublin Bay South bye-election
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) (Fairness, Objectivity and Impartiality in News and Current Affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.1 and 4.2

Complaint Summary

The complaint concerns the inclusion of one Dublin Bay South bye-election candidate in a lifestyle programme, National Treasures, which was broadcast during the election campaign.

The complainant believes it was unfair for the Labour Party candidate to feature in a lifestyle programme, just three days out from polling day in a bye-election, where a person is unchallenged in their contributions and can be presented in a positive way.

The complainant was not satisfied with the proposal from the broadcaster to remedy this matter by having an extended filmed report on Prime Time. The complainant believes this would not offer comparable exposure to that given to the Labour Party candidate in the National Treasures programme and noted the Labour Party candidate would also feature in the extended report. The complainant did not believe the proposed report would remedy the unfairness in how the candidates had been treated in the coverage. The complainant believes the only acceptable recompense would have been to provide similar coverage to other candidates.

The complainant is satisfied for the complaint to be considered in the context of the broadcaster's television coverage of the bye-election but does not accept that the broadcaster's coverage on radio should be taken into account because the complainant believes it is not comparable to television.

Broadcaster Response Summary

The broadcaster states that the broadcast of an episode of National Treasures featuring one of the bye-election candidates was an inadvertent error and should not have happened.

The broadcaster states that the RTÉ Election Steering Group became aware of the broadcast of National Treasures within minutes of transmission and took action to remove the broadcast from the RTÉ Player and from RTÉ +One, thereby limiting the availability of the broadcast. The broadcaster commissioned an extended constituency report on the Dublin Bay South bye-election to air on Prime

Time on 6th July 2021. The broadcaster initiated a review of processes and systems for checking content of repeat programmes to identify any additional measures to put in place during election periods to prevent a recurrence of this error.

The broadcaster is of the view the extended report on Prime Time was the most appropriate platform to ensure fairness to all interests and notes there is no requirement to provide equal allocation of time between candidates in order to achieve fairness in the coverage. The broadcaster also notes that the audience for Prime Time was directly comparable to that of National Treasures and would be an audience interested in current affairs and political issues.

The broadcaster notes that the Fine Gael candidate, along with other bye-election candidates, featured across the broadcaster's bye-election coverage on the Six One News on RTÉ One on 2nd July, The Week in Politics on RTÉ One on 4th July and on Today with Claire Byrne on RTÉ Radio 1 on 5th July. The broadcaster believes all candidates received significant and substantial exposure in this coverage and, along with the Prime Time report, the coverage ensured fairness to all interests contesting the bye-election.

The broadcaster believes its coverage of the bye-election was fully compliant with the relevant statutory and regulatory provisions.

The broadcaster is of the view that the complaint ought to be considered in the context of its bye-election coverage across radio and television because the broadcaster manages its election coverage across both mediums, both have national audiences and, in recent years, radio coverage is streamed live for viewing online.

Decision of the Compliance Committee

Having considered the broadcasts and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The complaint is made under rules 4.1 and 4.2 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views, which may be achieved across two or more related broadcasts. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and, transparency and accountability.

The Committee first considered the matter of which broadcasts were related in the context of this complaint. The Committee noted the broadcaster had planned its approach to achieving fairness in its bye-election coverage across television and radio together and this approach was set out in writing prior to the bye-election and circulated to the candidates and made available on the broadcaster's website. On this basis, the Committee was satisfied to deem the television and radio broadcasts referenced in the broadcaster's submission related broadcasts.

The Committee then considered the complainant's view that there was unfairness in the broadcaster's bye-election coverage across the related broadcasts because of the appearance of one election candidate in a repeat broadcast of National Treasures. The Committee noted the National Treasures broadcast did not include any reference to the candidate's political life, the bye-election or politics more generally. The Committee was of the view the programme should not have been broadcast during an election period, but was, nonetheless, satisfied that fairness was achieved across the totality of the bye-election coverage and there was no infringement of the Code.

The Committee expressed concern that the programme had been broadcast in error during a bye-election period when broadcasters ought to take particular care that current affairs broadcasts comply with the Code. However, the Committee positively noted the timely and appropriate action taken by the broadcaster to remedy the error, by removing the programme from the RTÉ Player and offering extended coverage to the bye-election candidates.

The Committee concluded the broadcasts had not infringed the relevant provisions of the Broadcasting Act 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. On this basis, the Committee rejected the complaint.

Rejected by Executive Complaints Forum

Complaint Reference Number	**C5528**
Complainant	[redacted]
Station	Newstalk 106 -108 FM
Programme Name	The Pat Kenny Show
Broadcast Date	17th June 2021
Broadcast Time	09:00
Programme Description	News and current affairs programme
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) (Fairness, Objectivity and Impartiality in News and Current Affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.21 and 4.22

Complaint Summary

The complaint concerns the science segment of the programme that deals with matters related to Covid-19.

The complainant is of the view that there is a lack of objectivity and fairness in this segment of the programme and that it tends to a one-sided promotion of antigen testing and "sneering" at NPHET positions.

The complainant found one remark particularly biased and lacking in evidence. The remark was that thousands of lives would have been saved if the Government had used antigen-testing at the time of the new wave of infection in December/January last. The complainant believes this remark has no basis in fact, but that it is consistent with the bias of this segment. The complainant is also of the view that the remark could potentially cause distress to families who lost a loved-one during that time.

Broadcaster Response Summary

The broadcaster rejects the complainant's views that this segment of the programme lacks objectivity and fairness and that it is a one-sided promotion of antigen testing and is sneering at NPHET positions.

The broadcaster states that this programme has been very conscientious in delivering the evolving science and research in relation to Covid-19. The broadcaster notes that the regular contributor to this segment of the programme is listed in the field of Immunology on the 2020 Highly Cited Researchers list published by Clarivate, compiling the top one percent of the world's researchers by citations.

In relation to the specific remark raised in the complaint, the broadcaster states that it is accepted by all in government that mistakes were made last Christmas and it is fair comment to suggest that the use of antigen testing could have been a help.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.21 and 4.22. The Code provides that news presenters and reporters in a news programme may not express their own views on matters of public controversy or current public debate. Current affairs presenters must ensure the audience has access to a wide variety of views on a subject and must reflect the views of those who cannot or choose not to, participate in content. Current affairs presenters shall not express their own views on matters that are either of public controversy or current public debate such that a partisan position is advocated.

The Forum noted the content complained of was a recurring segment of the programme in which matters related to Covid-19 are discussed with an expert contributor. The discussion covered antigen testing, Covid-19 medical treatments and Covid-19 vaccines.

The Forum deemed this segment current affairs and not a news programme and, therefore, rule 4.21 is not applicable.

In considering whether the content infringed rule 4.22, the Forum noted that the Code does not require programmes to feature all viewpoints on an issue to be fair, objective and impartial in its treatment of a subject. However, there is an expectation the presenter will ensure discussions of news and current affairs issues are not one-sided and that alternative perspectives are presented. In this regard, the Forum noted the editorial approach to this segment is to have an expert discuss the latest developments in the Covid-19 pandemic, and the public health responses to it, from a scientific perspective. The expert also responds to queries from the public about the science-related aspects of the pandemic. In this broadcast, the discussion about antigen testing covered factual matters in relation to what these tests are for and how they should be used and interpreted by users. The discussion included criticism of the Government's position on antigen testing, however, the Forum was satisfied that the segment was objective and fair in how the issue was handled in this context.

The Forum also considered the complainant's view there was no factual basis for the remark that "thousands of lives would have been saved" if antigen testing had been used in December and January. The Forum found no such remark in the broadcast, however, the presenter did say, "Many people died, around the Christmas period particularly, who need not have died if they had had serial antigen testing in nursing homes". The Forum acknowledged this remark constituted an expression of an opinion from the presenter, seemingly based on the preceding discussion with the expert on factual matters related to antigen testing. The Forum noted the role of a current affairs presenter is to facilitate debate on matters of public controversy and current public debate and this can sometimes involve robustly challenging the views and positions of public representatives and the Government. Having considered this comment in the context of the whole programme, the Forum was satisfied the presenter did not advocate a partisan position on the matter.

The Forum decided the segment did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.

Complaint Reference Number	**C5530**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	The Ryan Tubridy Show
Broadcast Date	12th July 2021
Broadcast Time	09:00
Programme Description	Entertainment and lifestyle magazine programme
Complaint Category	Broadcasting Act 2009 – Section 48(1)(b) (Harm and Offence) BAI Code of Programme Standards – Principle 5

Complaint Summary

The complaint concerns comments made by the presenter on the morning following the Euro 2020 Final between England and Italy.

The complainant believes the presenter engaged in "lazy stereotyping" of England football fans and made several offensive comments in this regard. The complainant believes the presenter's comments on domestic violence were offensive and his comments about racism were also offensive because the presenter did not put this in context of EU data on the experience of racial harassment across the EU. The complainant believes it was offensive for the presenter to say that many England football fans were involved in bad behaviour. The complainant claims it was offensive and irresponsible of the presenter to imply that all the racist social media messages were sent by England fans and it was irresponsible of the presenter not to reflect the possibility that Irish people sent some of those messages. The complainant also believes it was offensive of the presenter to read out "biased" messages from listeners that supported the presenter's views and to lecture the listener who had called him anti-English. The complainant believes it was offensive to not mention the disorder in Paris after the 2016 Final or the riots by PSG fans after the 2020 Champions League Final.

The complainant believes the presenter stating he is not anti-English does not mean his comments are not anti-English. In fact, the complainant is of the view that stating this was a clear signal the presenter knew he had "crossed a line".

Broadcaster Response Summary

The broadcaster states that the style of the programme is for the presenter to "muse over" news stories, using open-ended questions to engage listeners with the programme and get them to express their views by email, text and social media.

The broadcaster notes the presenter opened the discussion about the Euro Final between England and Italy by saying that he was very keen to see England in the Final and it was great they were there as it added to the excitement around the match. The broadcaster observes the presenter went on to discuss the violence and racial abuse surrounding the event and believes the presenter's comments reflected the widespread criticism of the violent disturbances and racial abuse that

became the main topic of discussion across most radio and television across the globe, including the UK and Ireland.

The broadcaster is of the view the presenter's comments were not anti-English and notes that the facts of the matter are that there was racial abuse of players, that this abuse was widely reported and condemned, and that some England fans engaged in violence and broke security at the stadium.

With reference to the position on "offence" set out in the Code of Programme Standards, the broadcaster is of the view the presenter's comments were not unduly offensive and did not cross a line. The broadcaster states the comments were not and did not purport to be a comprehensive analysis of all possible explanations for the various events but rather they were a reflection on those events and how they were covered in the media. The broadcaster believes the comments were in keeping with the well-established style and manner of the presenter and audience expectations of the programme.

The broadcaster believes there is no basis to uphold this complaint.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code Programme Standards, Principle 5. The Code requires that the manner in which persons and groups in society are represented shall be appropriate and justifiable and not prejudice respect for human dignity. The Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The segment complained of was the presenter reflecting on the news stories of the morning and, on this day, the main story was the events surrounding the previous night's Euro 2020 Final between England and Italy, including violence at and around the stadium on the night of the match and racist comments directed at some of England's players on social media. The presenter offered his views on these events and read out comments from social media.

In considering whether the content stereotyped English people or football fans in such a way as to contravene the above-mentioned legislative and Code provisions, the Forum noted the presenter did not make any generalised statements about English people or even English football fans but spoke specifically about the previous night's events and the people involved in violence and/or racism. The presenter noted that these events were *"a horrible reflection of the worst of England"* and noted some England football fans *"turn"* on the team and the manager when the team loses a match, stating *"not all of them, lots of people*". In speaking about the people involved in this behaviour towards the end of the segment, the presenter stated, *"And again, like we said last week, it's a group of people, it's not the team themselves, who are very highly regarded. The manager is very highly regarded. It was just a horrible outcome from what should have been a joyful occasion."*

The Forum noted the presenter praised Arsenal and Manchester United football clubs for condemning the racial abuse aimed at the football players and for supporting those players. In relation to domestic abuse, the presenter quoted a statistic about incidences of such abuse increasing when England lose football matches and commented on an organisation that was providing support for women in these situations on the night of the match. The Forum found no evidence in this content of the presenter stigmatising English people or supporting or condoning discrimination against English people or inciting hatred against English people. The Forum found the comments made by the presenter were appropriate and justifiable in the context of the news story that was covered.

The Forum acknowledges the complainant was offended by the content, however, the Code recognises that matters which cause offence can differ from person to person and are largely subjective in nature and, consequently, there can be no guarantee that programme material will be free from offence and there is no right not to be offended. However, broadcasters must not broadcast content that would cause undue offence, that is, programme material that could still be regarded as having crossed a line, having taken into account the relevant contextual factors. Based on the above considerations, the Forum did not believe the broadcast had been unduly offensive.

The Forum decided the programme did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Programme Standards. Accordingly, the Forum rejected the complaint.

Complaint Reference Number	**C5532**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Today with Claire Byrne
Broadcast Date	10th May 2021
Broadcast Time	10:00
Programme Description	News, current events and features programme
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) (Fairness, Objectivity and Impartiality in News and Current Affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.1, 4.2, 4.18 and 4.22

Complaint Summary

The complaint concerns an item on the programme about the three-year Government review of the Health (Regulation of Termination of Pregnancy) Act 2018.

The complainant believes the item was not fair, objective or impartial because it included three pro-choice contributors and only one pro-life contributor, which marginalised the pro-life perspective on the issue. The complainant also believes the presenter did not challenge the contributors' views or facilitate the exploration of alternative viewpoints.

The complainant requests this complaint be considered a complaint about an individual broadcast *and* a complaint about four related broadcasts, which include this programme and the following three programmes:

- *Sunday With Miriam*, RTÉ Radio 1, 16th May 2021
- *Drivetime*, RTÉ Radio 1, 18th May 2021
- *Morning Ireland*, RTÉ Radio 1, 25th May 2021

The complainant is of the view these broadcasts are related because they cover the same issue, they were broadcast in a short period of time and they are "part of a pattern".

Broadcaster Response Summary

The broadcaster states that this programme and the three other programmes referenced in the complaint are four individual and separate programmes and they are not 'related broadcasts'. The broadcaster references the following provision of the BAI Guidance Notes for the Code of Fairness, Objectivity and Impartiality in News and Current Affairs in support of this view:

> *"However, the key principle that should guide the broadcaster's decision in respect of linked broadcasts is audience knowledge. Broadcasters should use appropriate mechanisms to notify audiences whether the subject covered is as part of a series or whether alternative views will be covered in another programme. The BAI will not generally consider a broadcast*

to be linked if such a link is made 'retrospectively' following receipt of a complaint." [Underlined is the broadcaster's emphasis]

The broadcaster states the context for the reports on the above-mentioned programmes is the upcoming Government review of the Health (Regulation of Termination of Pregnancy) Act 2018, but notes there is no current debate before the public on whether or not abortion services should or should not be legally provided because that issue was decided by referendum in 2018.

The broadcaster states the report in this programme informed listeners of the upcoming review of the legislation and of various factual matters in relation to it. The broadcaster believes the report included a range of views on the topic and was a fair analysis of the upcoming review.

The broadcaster is of the view the broadcast was fully compliant with its statutory and regulatory obligations.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.2, 4.18 and 4.22. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. Current affairs presenters must ensure the audience has access to a wide variety of views on a subject and must reflect the views of those who cannot or choose not to, participate in content. The Code allows for two or more related broadcasts to be considered as a whole if the broadcasts are transmitted within a reasonable time period and such links are made clear to the audience.

The broadcast is a report on the upcoming three-year review of the Health (Regulation of Termination of Pregnancy) Act 2018, which included recorded interviews with a professor specialising in constitutional law, a past President of the Irish College of General Practitioners, the chair of a group of pro-life politicians, a representative of the Abortion Rights Campaign, and a representative from a group supporting women who travel to the UK for abortions.

Firstly, the Forum considered the applicability of rule 4.18 and whether this broadcast was related to the three other broadcasts referenced in the complaint. The Forum noted that while the broadcasts covered the broad topic of abortion, they each had a distinct editorial approach and angle to the topic. The Forum noted there was no mechanism used in the broadcasts to link them or to notify the audience the broadcasts were related, and, in addition, it is clear from the broadcaster's submission that no such link was intended. The Forum further noted that it is not the intention of rule 4.18 to allow links to be made between broadcasts retrospectively or solely on the basis they cover the same

topic. Considering these factors, the Forum was satisfied the four broadcasts are not related broadcasts and rule 4.18 does not apply.

In considering the complainant's view the item was not fair, objective or impartial because it included three pro-choice contributors and only one pro-life contributor, the Forum noted the item was not a debate or discussion about abortion, but rather a report on factual matters in relation to the upcoming review of legislation, including the process of that review, the operation of the legislation to date, and the likely issues to be considered in the review. The item included a range of perspectives on the topic covering the law, medical practitioners, politicians and civil society groups. The Forum noted the issues raised in relation to the operation of the legislation came from both the perspective of those who would prefer more restrictions on abortion availability and those who would prefer fewer restrictions. Given the topic of the report was a review of abortion law and not a debate about abortion, the Forum was satisfied the audience was provided with a sufficiently wide range of views to meet the requirements of fairness, objectivity and impartiality. In this regard, the Forum noted there is no requirement in the Code for programmes covering the topic of abortion to have a pro-life versus pro-choice editorial approach in order to achieve fairness, objectivity and impartiality.

In considering the complainant's view the presenter did not challenge the contributors' views or facilitate the exploration of alternative viewpoints, the Forum noted the format of the item was a report and not a live panel debate or discussion. The report included excerpts from pre-recorded interviews with the above-mentioned range of contributors, where each was given time to present their views on their specific area of interest in this topic. The Forum was satisfied the broadcast provided a range of viewpoints on the topic covered and did not infringe the requirements of fairness, objectivity and impartiality.

The Forum concluded the broadcast did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.

Complaint Reference Number	**C5533**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Sunday with Miriam
Broadcast Date	16th May 2021
Broadcast Time	10:00
Programme Description	News, current affairs, human interest and lifestyle programme
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) (Fairness, Objectivity and Impartiality in News and Current Affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.1, 4.2, 4.18 and 4.22

Complaint Summary

The complaint concerns an interview with two pro-choice campaigners regarding the release of the upcoming documentary, "The 8th", which coincided with an upcoming three-year Government review of the Health (Regulation of Termination of Pregnancy) Act 2018.

The complainant believes the context of the upcoming review of legislation means the interview discussed a topic that is the subject of current public debate.

The complainant is of the view the interview infringed rules 4.1 and rule 4.22 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs by featuring two pro-choice activists and not including any pro-life contributors. The complainant believes this marginalised the pro-life perspective, despite one third of the electorate voting against the repeal of the Eighth Amendment in 2018.

The complainant believes the broadcast further infringed rule 4.22 of the Code because the interviewer did not redress the imbalance of contributors' views by 'forceful questioning' and because the interviewer did not ensure there was a wide variety of views on the subject.

The complainant requests this be considered a complaint about an individual broadcast *and* a complaint about four related broadcasts, which include this programme and the following three programmes:

- *Today with Claire Byrne*, RTÉ Radio 1, 10th May 2021
- *Drivetime*, RTÉ Radio 1, 18th May 2021
- *Morning Ireland*, RTÉ Radio 1, 25th May 2021

The complainant is of the view these broadcasts are related because they cover the same issue, they were broadcast in a short period of time and they are "part of a pattern".

Broadcaster Response Summary

The broadcaster states that this programme and the three other programmes referenced in the complaint are four individual and separate programmes and they are not 'related broadcasts'. The broadcaster references the following provision of the BAI Guidance Notes for the Code of Fairness, Objectivity and Impartiality in News and Current Affairs in support of this view:

> *"However, the key principle that should guide the broadcaster's decision in respect of linked broadcasts is audience knowledge. Broadcasters should use appropriate mechanisms to notify audiences whether the subject covered is as part of a series or whether alternative views will be covered in another programme. The BAI will not generally consider a broadcast to be linked if such a link is made 'retrospectively' following receipt of a complaint."* [Underlined is the broadcaster's emphasis]

The broadcaster states the context for the interview was the planned release of a documentary film, "The 8th", which deals with the campaign run by those who sought the repeal of the Eighth Amendment. The broadcaster is of the view the interview was not a discussion on the campaign issues *per se,* but about the personal motivations and experiences of the two interviews in the campaign.

The broadcaster points out that fairness does not always require that two sides of an argument are presented and also notes that the presenter asked the interviewees about their views on those who had voted against repeal and those opposed to abortion.

The broadcaster believes the broadcast was fully compliant with the broadcaster's statutory and regulatory obligations.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules. 4.1, 4.2, 4.18 and 4.22. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. Current affairs presenters must ensure the audience has access to a wide variety of views on a subject and must reflect the views of those who cannot or choose not to, participate in content. The Code allows for two or more related broadcasts to be considered as a whole if the broadcasts are transmitted within a reasonable time period and such links are made clear to the audience.

The content complained of was an interview with two women who had been involved in the campaign to repeal the 8th Amendment to the Irish Constitution 2018. The context of the interview was the upcoming release of a documentary about this campaign, which featured these two women.

Firstly, the Forum considered the applicability of rule 4.18 and whether this broadcast was related to the three other broadcasts referenced in the complaint. The Forum noted that while the broadcasts covered the broad topic of abortion, they each had a distinct editorial approach and angle to the topic. The Forum noted there was no mechanism used in the broadcasts to link them or to notify the audience the broadcasts were related, and, in addition, it is clear from the broadcaster's submission that no such link was intended. The Forum further noted that it is not the intention of rule 4.18 to allow links to be made between broadcasts retrospectively or solely on the basis they cover the same topic. Considering these factors, the Forum was satisfied the four broadcasts are not related broadcasts and rule 4.18 does not apply.

In considering the complainant's view that there was a lack of objectivity and fairness in the programme as no pro-life contributor was featured, the Forum noted the programme content was a discussion about the two women's personal experience of political activism and campaigning and it was not a panel discussion or debate about abortion generally. The subject was topical because a documentary about the political campaign to repeal the 8th Amendment was due to be released and these two women featured in that documentary. The editorial approach to the programme was not to re-run or re-open broader debates about abortion that were had during the referendum campaign, but rather to interview the women about their experiences. The Code recognises that a broadcaster has editorial freedom to choose the topics it wishes to cover, its editorial approach to covering those topics and to have contributors of its choice discuss those topics. The Forum was satisfied this was a legitimate editorial approach to the topic, that the selection of contributors reflected the chosen approach and that the programme offered an appropriate range of views on the topic.

In considering the complainant's view that the contributors were not sufficiently challenged by the presenter, the Forum noted the Code does not require an adversarial approach to the treatment of current affairs or for contributors to be challenged on their personal experiences in order to ensure fairness, objectivity and impartiality in the content. In this regard, the Forum concluded the manner in which the contributors were interviewed was appropriate in the context of the subject matter of the programme.

The Forum decided the programme did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.

Complaint Reference Number	**C5534**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Drivetime
Broadcast Date	18th May 2021
Broadcast Time	16:30
Programme Description	News and current affairs programme
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) (Fairness, Objectivity and Impartiality in News and Current Affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.1, 4.2, 4.18 and 4.22

Complaint Summary

The complaint concerns a report on the programme about abortion provision in Sligo in the context of the upcoming three-year Government review of the Health (Regulation of Termination of Pregnancy) Act 2018.

The complainant believes the context of the upcoming review of legislation means the interview discussed a topic that is the subject of current public debate.

The complainant is of the view the report did not meet the requirements of fairness, objectivity and impartiality of the Code because it featured three pro-choice perspectives and no pro-life perspectives. The complainant contends the broadcast infringed rule 4.22 of the Code because the presenter did not ensure the audience had access to a wide variety of views on the subject and because the presenter did not ask challenging questions of the contributors. The complainant states the report excluded the views of pro-life campaigners, the views of those who voted No to repeal the Eighth Amendment and the views of doctors in Sligo who conscientiously object to carrying out abortions.

The complainant believes the report came across as a campaigning piece with the aim of putting pressure on the Government to increase abortion access.

The complainant requests this be considered a complaint about an individual broadcast *and* a complaint about four related broadcasts, which include this programme and the following three programmes:

- *Today with Claire Byrne*, RTÉ Radio 1, 10th May 2021
- *Sunday With Miriam*, RTÉ Radio 1, 16th May 2021
- *Morning Ireland*, RTÉ Radio 1, 25th May 2021

The complainant is of the view these broadcasts are related because they cover the same issue, they were broadcast in a short period of time and they are "part of a pattern".

Broadcaster Response Summary

The broadcaster states that this programme and the three other programmes referenced in the complaint are four individual and separate programmes and they are not 'related broadcasts'. The broadcaster references the following provision of the BAI Guidance Notes for the Code of Fairness, Objectivity and Impartiality in News and Current Affairs in support of this view:

> *"However, the key principle that should guide the broadcaster's decision in respect of linked broadcasts is audience knowledge. Broadcasters should use appropriate mechanisms to notify audiences whether the subject covered is as part of a series or whether alternative views will be covered in another programme. The BAI will not generally consider a broadcast to be linked if such a link is made 'retrospectively' following receipt of a complaint."* [Underlined is the broadcaster's emphasis]

The broadcaster states the context for the reports on the above-mentioned programmes is the upcoming Government review of the Health (Regulation of Termination of Pregnancy) Act 2018, but notes there is no current debate before the public on whether or not abortion services should or should not be legally provided because that issue was decided by referendum in 2018.

The broadcaster states the report was not a debate on whether or not abortion services should be provided but rather it was about how accessible those services are, with a specific focus on Sligo because no GPs in Sligo had signed up to provide abortion services that are available under law.

The broadcaster believes it is editorially appropriate to carry a report that looked at a county where abortion services are not accessible in the context of such services now being lawful and where the legislation allowing for such services is under review.

The broadcaster believes the broadcast was fully compliant with the broadcaster's statutory and regulatory obligations.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules. 4.1, 4.2, 4.18 and 4.22. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. Current affairs presenters must ensure the audience has access to a wide variety of views on a subject and must reflect the views of those who cannot or choose not to, participate in content. The Code allows for two or more related broadcasts to be considered as a whole if the broadcasts are transmitted within a reasonable time period and such links are made clear to the audience.

The broadcast complained of was a report concerning the Government review of the Health (Regulation of Termination of Pregnancy) Act 2018 and claims made by campaigners that the Government has failed to implement national health policy fully across the country, in particular, in Co. Sligo. The report included pre-recorded interviews with one woman in Sligo with a crisis pregnancy, a General Practitioner in Roscommon providing abortion services, and a representative of Sligo Action for Reproductive Rights Access group.

Firstly, the Forum considered the applicability of rule 4.18 and whether this broadcast was related to the three other broadcasts referenced in the complaint. The Forum noted that while the broadcasts covered the broad topic of abortion, they each had a distinct editorial approach and angle to the topic. The Forum noted there was no mechanism used in the broadcasts to link them or to notify the audience the broadcasts were related, and, in addition, it is clear from the broadcaster's submission that no such link was intended. The Forum further noted that it is not the intention of rule 4.18 to allow links to be made between broadcasts retrospectively or solely on the basis they cover the same topic. Considering these factors, the Forum was satisfied the four broadcasts are not related broadcasts and rule 4.18 does not apply.

In considering the complainant's view the item was not fair, objective or impartial because it included three pro-choice contributors and no pro-life contributor, the Forum noted the item was not a debate or discussion about abortion, but rather a report on the availability of abortion services, as provided for under Health (Regulation of Termination of Pregnancy) Act 2018, with a focus on an area of the country where those services are not currently available. The item had a range of perspectives on the topic including a service user, a service provider and a campaigner for better service provision. Considering the topic of the report, the Forum was satisfied the audience was provided with a sufficiently wide range of views to meet the requirements of fairness, objectivity and impartiality. In this regard, the Forum noted there is no requirement in the Code for programmes covering the topic of abortion to have a pro-life versus pro-choice editorial approach in order to achieve fairness, objectivity and impartiality.

In considering the complainant's view the presenter did not challenge the contributor's views or facilitate the exploration of alternative viewpoints, the Forum noted the format of the item was a report and not a live panel debate or discussion. The report included excerpts from pre-recorded interviews with the above-mentioned range of contributors, where each was given time to present their views on their specific area of interest in this topic. The Forum was satisfied the broadcast provided a range of viewpoints on the topic covered and did not infringe the requirements of fairness, objectivity and impartiality.

The Forum decided the programme did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.

Complaint Reference Number	**C5535**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Morning Ireland
Broadcast Date	25th May 2021
Broadcast Time	07:00
Programme Description	News and current affairs programme
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) (Fairness, Objectivity and Impartiality in News and Current Affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.1, 4.2, 4.18 and 4.22

Complaint Summary

The complaint concerns an interview with the Director of the National Women's Council of Ireland (NWCI) about an NWCI report showing the difficulties in accessing abortion in parts of the country. The report was issued in the context of an upcoming three-year Government review of the Health (Regulation of Termination of Pregnancy) Act 2018.

The complainant noted the interviewee offered a range of pro-choice views on the current legislation and the pro-life perspective was "written out of the narrative". The complainant believes the interviewee was not sufficiently challenged in the interview given the editorial approach not to include a pro-life contributor. The complainant believes the narrative on this story across the day was "commandeered" by the NWCI report, which was a failure of the broadcaster's obligation to be fair, impartial and objective.

The complainant requests this be considered a complaint about an individual broadcast *and* a complaint about four related broadcasts, which include this programme and the following three programmes:

- *Today with Claire Byrne*, RTÉ Radio 1, 10th May 2021
- *Sunday With Miriam*, RTÉ Radio 1, 16th May 2021
- *Drivetime,* RTÉ Radio 1, 18th May 2021

The complainant is of the view these broadcasts are related because they cover the same issue, they were broadcast in a short period of time and they are "part of a pattern".

Broadcaster Response Summary

The broadcaster states that this programme and the three other programmes referenced in the complaint are four individual and separate programmes and they are not 'related broadcasts'. The broadcaster references the following provision of the BAI Guidance Notes for the Code of Fairness, Objectivity and Impartiality in News and Current Affairs in support of this view:

"However, the key principle that should guide the broadcaster's decision in respect of linked broadcasts is audience knowledge. Broadcasters should use appropriate mechanisms to notify audiences whether the subject covered is as part of a series or whether alternative views will be covered in another programme. The BAI will not generally consider a broadcast to be linked if such a link is made 'retrospectively' following receipt of a complaint." [Underlined is the broadcaster's emphasis]

The broadcaster states the context for the reports on the above-mentioned programmes is the upcoming Government review of the Health (Regulation of Termination of Pregnancy) Act 2018, but notes there is no current debate before the public on whether or not abortion services should or should not be legally provided because that issue was decided by referendum in 2018.

The broadcaster states this was a news interview with the Director of NWCI to discuss the findings of NWCI's report in relation to abortion services in Ireland, which the broadcaster believes is an editorially appropriate item given the context. The broadcaster notes there is no statutory or regulatory requirement to have a "dissenting voice" in every item. The broadcaster also refutes the complainant's view that the interviewee was not sufficiently challenged, noting the presenter put it to the interviewee that doctors were promised they would have a right to conscientious objection and that any change to the 12-week limit might concern those people who voted for abortion on this basis.

The broadcaster believes the broadcast was fully compliant with the broadcaster's statutory and regulatory obligations.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules. 4.1, 4.2, 4.18 and 4.22. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. Current affairs presenters must ensure the audience has access to a wide variety of views on a subject and must reflect the views of those who cannot or choose not to, participate in content. The Code allows for two or more related broadcasts to be considered as a whole if the broadcasts are transmitted within a reasonable time period and such links are made clear to the audience.

The broadcast is an interview with a representative of the National Women's Council of Ireland (NCWI) regarding the publication of a NWCI research report on the availability of abortion services. The context of the report publication was the third anniversary of the vote to repeal the 8th Amendment to the Irish Constitution and the upcoming Government review of legislation on terminations.

Firstly, the Forum considered the applicability of rule 4.18 and whether this broadcast was related to the three other broadcasts referenced in the complaint. The Forum noted that while the broadcasts covered the broad topic of abortion, they each had a distinct editorial approach and angle to the topic. The Forum noted there was no mechanism used in the broadcasts to link them or to notify the audience the broadcasts were related, and, in addition, it is clear from the broadcaster's submission that no such link was intended. The Forum further noted that it is not the intention of rule 4.18 to allow links to be made between broadcasts retrospectively or solely on the basis they cover the same topic. Considering these factors, the Forum was satisfied the four broadcasts are not related broadcasts and rule 4.18 does not apply.

In considering the complainant's view the broadcast was not fair, objective or impartial because it did not include a pro-life perspective and the presenter did not sufficiently challenge the interviewee, the Forum noted the Code does not require that programmes feature all viewpoints on an issue to be fair, objective and impartial, however, presenters have a role in reflecting a range of views on a subject. In this regard, the Forum noted the presenter referenced the upcoming review of legislation on termination and questioned the interviewee on the right of doctors to conscientiously object to carrying out terminations. In relation to the 12-week limit on terminations, the presenter put it to the interviewee that voters in the referendum may have voted in favour of repeal based on this limit and may not be happy if this were to change without a public vote. The Forum was satisfied that the presenter's questioning of the interviewee met the relevant requirements of fairness, objectivity and impartiality in the Code.

The Forum decided the programme did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.

Complaint Reference Number	**C5538**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Today with Claire Byrne
Broadcast Date	10th May 2021
Broadcast Time	10:00
Programme Description	News, current events and features programme
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) (Fairness, Objectivity and Impartiality in News and Current Affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.1, 4.2, 4.3, 4.18, 4.19 and 4.22

Complaint Summary

The complaint concerns an item on the programme about the three-year Government review of the Health (Regulation of Termination of Pregnancy) Act 2018.

The complainant believes the item was not fair, objective or impartial because it included three pro-choice contributors and only one pro-life contributor, who did not have sufficient time to raise a range of pro-life issues with the legislation and its implementation. The complainant believes "the lion's share" of the segment focused on views that the abortion law is extremely restrictive and difficult to access and gave listeners a false impression of how the law is operating and a false impression that few abortions are taking place.

The complainant requests this complaint be considered a complaint about an individual broadcast *and* a complaint about four related broadcasts, which include this programme and the following three programmes:

- *Sunday With Miriam*, RTÉ Radio 1, 16th May 2021
- *Drivetime*, RTÉ Radio 1, 18th May 2021
- *Morning Ireland*, RTÉ Radio 1, 25th May 2021

Broadcaster Response Summary

The broadcaster states that this programme and the three other programmes referenced in the complaint are four individual and separate programmes and they are not 'related broadcasts'. The broadcaster references the following provision of the BAI Guidance Notes for the Code of Fairness, Objectivity and Impartiality in News and Current Affairs in support of this view:

> *"However, the key principle that should guide the broadcaster's decision in respect of linked broadcasts is audience knowledge. Broadcasters should use appropriate mechanisms to notify audiences whether the subject covered is as part of a series or whether alternative views will be covered in another programme. The BAI will not generally consider a broadcast*

to be linked if such a link is made 'retrospectively' following receipt of a complaint." [Underlined is the broadcaster's emphasis]

The broadcaster states the context for the reports on the above-mentioned programmes is the upcoming Government review of the Health (Regulation of Termination of Pregnancy) Act 2018, but notes there is no current debate before the public on whether or not abortion services should or should not be legally provided because that issue was decided by referendum in 2018.

The broadcaster states the report in this programme informed listeners of the upcoming review of the legislation and of various factual matters in relation to it. The broadcaster believes the report included a range of views on the topic and was a fair analysis of the upcoming review. The broadcaster notes that meeting the requirements of fairness does not necessitate the provision of equal time in a discussion or that all views are aired.

The broadcaster is of the view the broadcast was fully compliant with its statutory and regulatory obligations.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.2, 4.3, 4.18, 4.19 and 4.22. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. Broadcasters must also deal fairly with contributors to current affairs content. Views and facts must not be misrepresented or presented in such a way as to render them misleading. Current affairs presenters must ensure the audience has access to a wide variety of views on a subject and must reflect the views of those who cannot or choose not to, participate in content. The Code allows for two or more related broadcasts to be considered as a whole if the broadcasts are transmitted within a reasonable time period and such links are made clear to the audience.

The programme item is a report on the upcoming three-year review of the Health (Regulation of Termination of Pregnancy) Act 2018, which included recorded interviews with a professor specialising in constitutional law, a past President of the Irish College of General Practitioners, the chair of a group of pro-life politicians, a representative of the Abortion Rights Campaign, and a representative from a group supporting women who travel to the UK for abortions.

Firstly, the Forum considered the applicability of rule 4.18 and whether this broadcast was related to the three other broadcasts referenced in the complaint. The Forum noted that while the broadcasts covered the broad topic of abortion, they each had a distinct editorial approach and angle to the topic. The Forum noted there was no mechanism used in the broadcasts to link them or to notify the

audience the broadcasts were related, and, in addition, it is clear from the broadcaster's submission that no such link was intended. The Forum further noted that it is not the intention of rule 4.18 to allow links to be made between broadcasts retrospectively or solely on the basis they cover the same topic. Considering these factors, the Forum was satisfied the four broadcasts are not related broadcasts and rule 4.18 does not apply.

In considering the complainant's view the item was not fair, objective or impartial because it included three pro-choice contributors and only one pro-life contributor and did not give sufficient time to pro-life views, the Forum noted the item was not a debate or discussion about abortion, but rather a report on factual matters in relation to the upcoming review of legislation, including the process of that review, the operation of the legislation to date, and the likely issues to be considered in the review. The item included a range of perspectives on the topic covering the law, medical practitioners, politicians and civil society groups. The Forum noted the issues raised in relation to the operation of the legislation came from both the perspective of those who would prefer more restrictions on abortion availability and those who would prefer fewer restrictions. Given the topic of the report was a review of abortion law and not a debate about abortion, the Forum was satisfied the audience was provided with a sufficiently wide range of views to meet the requirements of fairness, objectivity and impartiality. In this regard, the Forum noted there is no requirement in the Code for programmes covering the topic of abortion to have a pro-life versus pro-choice editorial approach in order to achieve fairness, objectivity and impartiality.

In considering the complainant's view the item was misleading about how the law is operating and how many abortions were taking place, the Forum found no examples in the content of views or facts that were misrepresented or presented in such a way as to render them misleading.

The Forum concluded the broadcast did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.

Complaint Reference Number	**C5539**
Complainant	[redacted]
Station	Newstalk 106-108FM
Programme Name	Lunchtime Live
Broadcast Date	25th June 2021
Broadcast Time	12:00
Programme Description	Phone In Chat Show
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) (Fairness, Objectivity and Impartiality in News and Current Affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.1 and 4.22

Complaint Summary

The complaint concerns a segment on the programme on the subject of euthanasia/assisted dying.

The complainant believes there was a lack of fairness in the approach taken to the subject in the segment in terms of the range of views expressed and the role of the presenter.

The complainant contends the audience was not provided with a wide variety of views on the subject because the majority of contributors to the programme and the views expressed in texts had a "pro-euthanasia" perspective. The complainant states there were two high profile campaigners in favour of assisted dying legislation, one caller who was in favour but had concerns, and no callers who opposed the legislation. The complainant states that most of the texts read out were also in favour of the proposed legislation and believes that the one text against the legislation represented an extreme view which was used as a "straw man" by others texting into the programme.

The complainant believes the presenter's language, at times, trivialised and distorted the views of those opposing the legislation. The complainant is also of the view that the counterpoints raised by the presenter were "perfunctory and not robust or adequate" and the presenter's own views were apparent when saying that one text summarised the issue for him.

Broadcaster Response Summary

The broadcaster does not agree the segment was handled unfairly.

The broadcaster noted the segment included an interview with the T.D. who had introduced the Dying with Dignity Bill. The broadcaster is of the view this contributor was measured, did not force his view on listeners, acknowledged there are many opinions on the subject of euthanasia/assisted dying and said that it was ultimately about people having the choice.

The broadcaster believes the presenter challenged and probed the interviewee and used the role to provide balance and a counterpoint to the issue and presented the opposing view "at every

opportunity". The broadcaster noted that balance does not require the presence of guests with opposing views nor that guests have equal airtime.

The broadcaster is satisfied the segment achieved fairness through a range of factors, including the structure of the programme, the role of the presenter, the presenter's questioning and handling of the topic, and the contributions provided by text.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules. 4.1 and 4.22. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. Current affairs presenters must ensure there are a wide variety of views on a subject, facilitate the expression of contributor's opinions and reflect the views of those who cannot, or choose, not to participate in the programme. In addition, presenters shall not express their own views such that a partisan position is advocated.

The topic of the broadcast was the legal concerns raised in relation to the Dying with Dignity Bill and the segment included an interview with the T.D. who introduced the Bill, an advocate for assisted dying and a selection of callers to the programme. In addition, the presenter read out texts on the topic from listeners.

The Forum noted the editorial approach of the broadcast was to set out the topic in the interview with the proposer of the Bill and then open the discussion out to callers to hear their views, which were generally based on personal experience. The Forum recognises this type of format can often involve strong opinions on a topic from callers to the programme. In considering the complainant's view the broadcast included numerous voices in favour of the legislation and none who opposed it, the Forum noted the Code does not require contributors from all viewpoints to be featured in a broadcast to meet the requirements of fairness, objectivity and impartiality and the presenter of the programme can ensure a wide variety of opinion on a topic. In this regard, the Forum was satisfied the presenter facilitated a range of views in the broadcast by playing 'devil's advocate' with the people he interviewed and reflecting the concerns people may have about assisted dying. The Forum was also of the view the presenter's language, while informal at times, would not have caused any misunderstanding of the matters covered.

The Forum also considered the complainant's view the presenter's own opinion on the topic was apparent when he said that one text summarised the issue for him. The Forum was of the view there was some ambiguity in the presenter's words, which could be interpreted as the text summarising the debate on the issue rather than summarising his views. Notwithstanding this ambiguity, the Forum was satisfied there was no evidence in the broadcast of the presenter expressing his own views such that a partisan position was advocated on the topic.

The Forum decided the programme did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.

Complaint Reference Number	**C5542**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Sunday with Miriam
Broadcast Date	16th May 2021
Broadcast Time	10:00
Programme Description	News, current affairs, human interest and lifestyle programme
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) (Fairness, Objectivity and Impartiality in News and Current Affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.1, 4.2, 4.3, 4.18, 4.19 and 4.22

Complaint Summary

The complaint concerns an interview with two pro-choice campaigners regarding the release of the upcoming documentary, "The 8th", which coincided with an upcoming three-year Government review of the Health (Regulation of Termination of Pregnancy) Act 2018.

The complainant believes the context of the upcoming review of legislation means the interview discussed a topic that is the subject of current public debate.

The complainant believes the topics covered in the interview were dealt with in a one-sided way and amounted to a "celebration of repeal." The complaint contends the presenter never challenged the interviewees on any of their claims and did not pose any "hard" questions and did not ensure the audience had access to perspectives that challenge the pro-choice narrative. The complainant contends the presenter made enthusiastic comments about the documentary and believes neutral listeners "would be left in no doubt" which "side" the presenter was on.

The complainant requests this be considered a complaint about an individual broadcast *and* a complaint about four related broadcasts, which include this programme and the following three programmes:

- *Today with Claire Byrne*, RTÉ Radio 1, 10th May 2021
- *Drivetime*, RTÉ Radio 1, 18th May 2021
- *Morning Ireland*, RTÉ Radio 1, 25th May 2021

Broadcaster Response Summary

The broadcaster states that this programme and the three other programmes referenced in the complaint are four individual and separate programmes and they are not 'related broadcasts'. The broadcaster references the following provision of the BAI Guidance Notes for the Code of Fairness, Objectivity and Impartiality in News and Current Affairs in support of this view:

"However, the key principle that should guide the broadcaster's decision in respect of linked broadcasts is audience knowledge. Broadcasters should use appropriate mechanisms to notify audiences whether the subject covered is as part of a series or whether alternative views will be covered in another programme. The BAI will not generally consider a broadcast to be linked if such a link is made 'retrospectively' following receipt of a complaint." [Underlined is the broadcaster's emphasis]

The broadcaster states the context for the interview was the planned release of a documentary film, "The 8th", which deals with the campaign run by those who sought the repeal of the Eighth Amendment. The broadcaster is of the view the interview was not a discussion on the campaign issues *per se,* but about the personal motivations and experiences of the two interviews in the campaign.

The broadcaster points out that fairness does not always require that two sides of an argument are presented and also notes the presenter asked the interviewees about their views on those who had voted against repeal and those opposed to abortion.

The broadcaster is of the view the broadcast was fully compliant with its statutory and regulatory obligations.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.2, 4.3, 4.18, 4.19 and 4.22. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. Broadcasters must deal fairly with contributors to current affairs content and those referenced in the content. Views and facts must not be misrepresented or presented in such a way as to render them misleading. Current affairs presenters must ensure the audience has access to a wide variety of views on a subject and shall not express their own views such that a partisan position is advocated. The Code allows for two or more related broadcasts to be considered as a whole if the broadcasts are transmitted within a reasonable time period and such links are made clear to the audience.

The content complained of was an interview with two women who had been involved in the campaign to repeal the 8th Amendment to the Irish Constitution 2018. The context of the interview was the upcoming release of a documentary about this campaign, which featured these two women.

Firstly, the Forum considered the applicability of rule 4.18 and whether this broadcast was related to the three other broadcasts referenced in the complaint. The Forum noted that while the broadcasts

covered the broad topic of abortion, they each had a distinct editorial approach and angle to the topic. The Forum noted there was no mechanism used in the broadcasts to link them or to notify the audience the broadcasts were related, and, in addition, it is clear from the broadcaster's submission that no such link was intended. The Forum further noted that it is not the intention of rule 4.18 to allow links to be made between broadcasts retrospectively or solely on the basis they cover the same topic. Considering these factors, the Forum was satisfied the four broadcasts are not related broadcasts and rule 4.18 does not apply.

In considering the complainant's view the topic was dealt with in a one-sided way, the Forum noted the programme content was a discussion about the two women's personal experience of political activism and campaigning and it was not a panel discussion or debate about abortion generally. The subject was topical because a documentary about the political campaign to repeal the 8th Amendment was due to be released and these two women featured in that documentary. The editorial approach to the programme was not to re-run or re-open broader debates about abortion that were had during the referendum campaign, but rather to interview the women about their experiences. The Code recognises that a broadcaster has editorial freedom to choose the topics it wishes to cover, its editorial approach to covering those topics and to have contributors of its choice discuss those topics. The Forum was satisfied this was a legitimate editorial approach to the topic, that the selection of contributors reflected the chosen approach and that the programme offered an appropriate range of views on the topic.

In considering the complainant's view the contributors were not sufficiently challenged by the presenter, the Forum noted the Code does not require an adversarial approach to the treatment of current affairs or for contributors to be challenged on their personal experiences in order to ensure fairness, objectivity and impartiality in the content. In this regard, the Forum concluded the manner in which the contributors were interviewed was appropriate in the context of the subject matter of the programme.

In considering the complaint's view that the presenter was partisan, the Forum was of the view that expressing an opinion about a documentary is not the same as expressing an opinion about the topic covered in the documentary. The Forum found no evidence in the content of the presenter expressing an opinion about abortion such that a partisan position was advocated.

The Forum also found the complaint made no case as to any views or facts in the broadcast that were misrepresented or presented in such a way as to render them misleading.

The Forum decided the programme did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.

Complaint Reference Number	**C5543**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Drivetime
Broadcast Date	18th May 2021
Broadcast Time	16:30
Programme Description	News and current affairs programme
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) (Fairness, Objectivity and Impartiality in News and Current Affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.1, 4.2, 4.3, 4.18, 4.19 and 4.22

Complaint Summary

The complaint concerns a report on the programme about abortion provision in Sligo in the context of the upcoming three-year Government review of the Health (Regulation of Termination of Pregnancy) Act 2018.

The complainant contends the report did not meet the requirements of fairness, objectivity and impartiality and it actually helped deliver a highly partisan pro-choice message to the public. The complainant states that the report featured the personal story of one woman accessing abortion and interviewed two supporters of abortion provision and no one offering a pro-life perspective was interviewed. The complainant contends the reporter allowed serious charges made about pro-life protests to go unchallenged. The complainant believes the report did not provide adequate context and information for listeners to fairly evaluate how the abortion law is operating.

The complainant requests this be considered a complaint about an individual broadcast *and* a complaint about four related broadcasts, which include this programme and the following three programmes:

- *Today with Claire Byrne*, RTÉ Radio 1, 10th May 2021
- *Sunday With Miriam*, RTÉ Radio 1, 16th May 2021
- *Morning Ireland*, RTÉ Radio 1, 25th May 2021

Broadcaster Response Summary

The broadcaster states that this programme and the three other programmes referenced in the complaint are four individual and separate programmes and they are not 'related broadcasts'. The broadcaster references the following provision of the BAI Guidance Notes for the Code of Fairness, Objectivity and Impartiality in News and Current Affairs in support of this view:

> *"However, the key principle that should guide the broadcaster's decision in respect of linked broadcasts is audience knowledge. Broadcasters should use appropriate mechanisms to*

notify audiences whether the subject covered is as part of a series or whether alternative views will be covered in another programme. The BAI will not generally consider a broadcast to be linked if such a link is made 'retrospectively' following receipt of a complaint." [Underlined is the broadcaster's emphasis]

The broadcaster states the context for the reports on the above-mentioned programmes is the upcoming Government review of the Health (Regulation of Termination of Pregnancy) Act 2018, but notes there is no current debate before the public on whether or not abortion services should or should not be legally provided because that issue was decided by referendum in 2018.

The broadcaster states the report was not a debate on whether or not abortion services should be provided but rather it was about how accessible those services are, with a specific focus on Sligo because no GPs in Sligo had signed up to provide abortion services that are available under law.

The broadcaster believes it is editorially appropriate to carry a report that looked at a county where abortion services are not accessible in the context of such services now being lawful and where the legislation allowing for such services isunder review.

The broadcaster is of the view the broadcast was fully compliant with its statutory and regulatory obligations.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.2, 4.3, 4.18, 4.19 and 4.22. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. Broadcasters must deal fairly with contributors to current affairs content and those referenced in the content. Views and facts must not be misrepresented or presented in such a way as to render them misleading. Current affairs presenters must ensure the audience has access to a wide variety of views on a subject and must reflect the views of those who cannot or choose not to, participate in content. The Code allows for two or more related broadcasts to be considered as a whole if the broadcasts are transmitted within a reasonable time period and such links are made clear to the audience.

The broadcast complained of was a report concerning the Government review of the Health (Regulation of Termination of Pregnancy) Act 2018 and claims made by campaigners that the Government has failed to implement national health policy fully across the country, in particular, in Co. Sligo. The report included pre-recorded interviews with one woman in Sligo with a crisis

pregnancy, a General Practitioner in Roscommon providing abortion services, and a representative of Sligo Action for Reproductive Rights Access group.

Firstly, the Forum considered the applicability of rule 4.18 and whether this broadcast was related to the three other broadcasts referenced in the complaint. The Forum noted that while the broadcasts covered the broad topic of abortion, they each had a distinct editorial approach and angle to the topic. The Forum noted there was no mechanism used in the broadcasts to link them or to notify the audience the broadcasts were related, and, in addition, it is clear from the broadcaster's submission that no such link was intended. The Forum further noted that it is not the intention of rule 4.18 to allow links to be made between broadcasts retrospectively or solely on the basis they cover the same topic. Considering these factors, the Forum was satisfied the four broadcasts are not related broadcasts and rule 4.18 does not apply.

In considering the complainant's view the item was not fair, objective or impartial because it did not include a pro-life perspective, the Forum noted the item was not a debate or discussion about abortion, but rather a report on the availability of abortion services, as provided for under Health (Regulation of Termination of Pregnancy) Act 2018, with a focus on an area of the country where those services are not currently available. The item had a range of perspectives on the topic including a service user, a service provider and a campaigner for better service provision. Considering the topic of the report, the Forum was satisfied the audience was provided with a sufficiently wide range of views to meet the requirements of fairness, objectivity and impartiality. In this regard, the Forum noted there is no requirement in the Code for programmes covering the topic of abortion to have a pro-life versus pro-choice editorial approach in order to achieve fairness, objectivity and impartiality.

The Forum made no decision in relation to the complainants view that serious charges about pro-life protests went unchallenged because the complaint did not specify which charges ought to have been challenged by the reporter.

The Forum also considered the complainants view that listeners to the broadcast were not given information to fairly evaluate the operation of abortion law. The Forum noted the complaint did not specify any views or facts that were misrepresented in the report or presented in such a way as to render them misleading. The Forum concluded this aspect of the complaint appeared to be linked to the complainant's view the report ought to have included a pro-life view of abortion legislation, whereas the Forum was satisfied that no such view was necessary to achieve fairness, objectivity and impartiality because the topic of the report was the lack of availability of services provided for under law and not whether those services ought to be provided at all.

The Forum decided the programme did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.

Complaint Reference Number	**C5544**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Morning Ireland
Broadcast Date	25th May 2021
Broadcast Time	07:00
Programme Description	News and current affairs programme
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) (Fairness, Objectivity and Impartiality in News and Current Affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.1, 4.2, 4.3, 4.18, 4.19 and 4.22

Complaint Summary

The complaint concerns an interview with the Director of the National Women's Council of Ireland (NWCI) about an NWCI report about access to abortion services in Ireland. The report was issued in the context of an upcoming three-year Government review of the Health (Regulation of Termination of Pregnancy) Act 2018.

The complainant contends the broadcast did not meet the requirements of fairness, objectivity and impartiality in relation to the following:

- the interviewee was allowed to depict the abortion law as extremely restrictive;
- the broadcast did not provide context or counterbalance to the claims made by the interviewee in relation to the constraints of the abortion law; and,
- the presenter did not challenge points raised by the interviewee.

The complainant believes the broadcast required an interview with a pro-life spokesperson in order to be fair and impartial.

The complainant requests this be considered a complaint about an individual broadcast *and* a complaint about four related broadcasts, which include this programme and the following three programmes:

- *Today with Claire Byrne*, RTÉ Radio 1, 10th May 2021
- *Sunday With Miriam*, RTÉ Radio 1, 16th May 2021
- *Drivetime,* RTÉ Radio 1, 18th May 2021

Broadcaster Response Summary

The broadcaster states that this programme and the three other programmes referenced in the complaint are four individual and separate programmes and they are not 'related broadcasts'. The broadcaster references the following provision of the BAI Guidance Notes for the Code of Fairness, Objectivity and Impartiality in News and Current Affairs in support of this view:

"However, the key principle that should guide the broadcaster's decision in respect of linked broadcasts is audience knowledge. Broadcasters should use appropriate mechanisms to notify audiences whether the subject covered is as part of a series or whether alternative views will be covered in another programme. The BAI will not generally consider a broadcast to be linked if such a link is made 'retrospectively' following receipt of a complaint." [Underlined is the broadcaster's emphasis]

The broadcaster states the context for the reports on the above-mentioned programmes is the upcoming Government review of the Health (Regulation of Termination of Pregnancy) Act 2018, but notes there is no current debate before the public on whether or not abortion services should or should not be legally provided because that issue was decided by referendum in 2018.

The broadcaster states this was a news interview with the Director of NWCI to discuss the findings of NWCI's report in relation to abortion services in Ireland, which the broadcaster believes is an editorially appropriate item given the context. The broadcaster notes there is no statutory or regulatory requirement to have a "dissenting voice" in every item. The broadcaster also refutes the complainant's view that the interviewee was not sufficiently challenged, noting the presenter put it to the interviewee that doctors were promised they would have a right to conscientious objection and that any change to the 12-week limit might concern those people who voted for abortion on this basis.

The broadcaster believes the broadcast was fully compliant with the broadcaster's statutory and regulatory obligations.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.2, 4.3, 4.18, 4.19 and 4.22. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. Broadcasters must deal fairly with contributors to current affairs content and those referenced in the content. Views and facts must not be misrepresented or presented in such a way as to render them misleading. Current affairs presenters must ensure the audience has access to a wide variety of views on a subject and must reflect the views of those who cannot or choose not to, participate in content. The Code allows for two or more related broadcasts to be considered as a whole if the broadcasts are transmitted within a reasonable time period and such links are made clear to the audience.

The broadcast is an interview with a representative of the National Women's Council of Ireland (NCWI) regarding the publication of a NWCI research report on the availability of abortion services.

The context of the report publication was the third anniversary of the vote to repeal the 8th Amendment to the Irish Constitution and the upcoming Government review of legislation on terminations.

Firstly, the Forum considered the applicability of rule 4.18 and whether this broadcast was related to the three other broadcasts referenced in the complaint. The Forum noted that while the broadcasts covered the broad topic of abortion, they each had a distinct editorial approach and angle to the topic. The Forum noted there was no mechanism used in the broadcasts to link them or to notify the audience the broadcasts were related, and, in addition, it is clear from the broadcaster's submission that no such link was intended. The Forum further noted that it is not the intention of rule 4.18 to allow links to be made between broadcasts retrospectively or solely on the basis they cover the same topic. Considering these factors, the Forum was satisfied the four broadcasts are not related broadcasts and rule 4.18 does not apply.

In considering the complainant's view the broadcast was not fair, objective or impartial because it did not include a pro-life contributor and the presenter did not provide the pro-life perspective or sufficiently challenge the interviewee, the Forum noted the Code does not require that programmes feature all viewpoints on an issue to be fair, objective and impartial, however, presenters have a role in reflecting a range of views on a subject. In this regard, the Forum noted the presenter referenced the upcoming review of legislation on termination and questioned the interviewee on the right of doctors to conscientiously object to carrying out terminations. In relation to the 12-week limit on terminations, the presenter put it to the interviewee that voters in the referendum may have voted in favour of repeal based on this limit and may not be happy if this were to change without a public vote. The Forum was satisfied that the presenter's questioning of the interviewee met the relevant requirements of fairness, objectivity and impartiality in the Code.

The Forum noted the complaint did not make a case that a contributor was dealt with unfairly or that there were views or facts misrepresented in the broadcast or presented in such a way as to render them misleading.

The Forum decided the programme did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.

Complaint Reference Number	**C5547**
Complainant	[redacted]
Station	Newstalk 106 – 108fm
Programme Name	Moncrieff
Broadcast Date	20th July 2021
Broadcast Time	14:00
Programme Description	Light entertainment programme, with a mix of views and interviews
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1, 4.2, 4.17, 4.19 and 4.22 Broadcasting Act 2009 - Section 48(1)(b) (harm and offence) BAI Code of Programme Standards - Principle 6

Complaint Summary

The complaint concerns comments made in a segment of the programme covering Covid-19 vaccine uptake, denial and hesitancy.

The complaint refers to an interview with an Associate Professor at the Royal College of Surgeons in which the interviewee stated, *"only non-vaccinated people will die of Covid-19, vaccinated people will not".* The complainant contends that this statement is misleading and was not challenged in the programme and the presenter endorsed it as fact by his acclamation to being fully vaccinated. The complainant also believes the presenter's comment, *"as a double-vaccinated man, this is music to my ears"* was an expression of the broadcaster's own views and represented a failure by the presenter to remain independent on the topic.

The complainant believes the broadcast content was misleading and was not fair to all interests concerned and was not presented in an objective and impartial manner.

Broadcaster Response Summary

The broadcaster does not dispute the statement made by the interviewee but notes the presenter questioned him on it and the interviewee went on to qualify that the number of deaths from Covid-19 worldwide in the vaccinated population is very low. The broadcaster notes that this is supported by worldwide figures and recent data from Ireland's National Public Health Emergency Team (NPHET).

On this basis, the broadcaster believes the interview as a whole was balanced and accurate and rejects the complaint.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1, 4.2, 4.17, 4.19 and 4.22. This Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. News and current affairs must be presented with due accuracy and views and facts must not be misrepresented or presented in such a way as to render them misleading. Current affairs presenters must not express their own views such that a partisan position is advocated.

The Forum noted the complaint was also submitted under Principle 6 of the Code of Programme Standards, which provides that the public interest can be adversely affected by the omission of material and/or the inadequate representation of information or viewpoints.

The complaint refers to a comment made by the interviewee when discussing the impact of the use of vaccines to combat Covid-19, that, *"only non-vaccinated people will die of Covid-19, vaccinated people will not".* The Forum noted the interviewee later commented that, *"pretty much with all the vaccines, even with the Delta variant and concerns about how well the vaccines work, people may still get mild sickness or even end up more seriously ill, but the death rate is almost zero if you're vaccinated."* Considering the interview in whole and in context, the Forum was satisfied that listeners would not have been misled on this specific issue and that the public interest was not adversely affected by the broadcast. The Forum also noted the presenter commented that he was vaccinated and expressed relief, from a personal perspective, about the protections vaccinated people have from Covid-19. The Forum did not believe the presenters remarks in this regard amounted to advocacy of a partisan position.

The Forum decided the programme did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Codes. Accordingly, the Forum rejected the complaint.