ÚDARÁS CRAOLACHÁIN NA hÉIREANN | BROADCASTING AUTHORITY OF IRELAND

Broadcasting Authority of Ireland
Broadcasting Complaints Decisions

April 2022

Contents

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 October 2021 to January 2022, twenty-three (23) complaints were considered by the Compliance Committee of the BAI, with one (1) complaint upheld in part and twenty-two (22) rejected. Seventeen (17) complaints were considered and rejected by the Executive Complaints Forum.

The decisions of the Compliance Committee were reached at meetings held on 27th October 2021 and 19th January 2022, while the decisions of the Executive Complaints Forum were reached at meetings held on 3rd November, 24th November, 15th December 2021 and 25th January 2022.

Upheld In part by Compliance Committee

Complaint Reference Number	**C5536**
Complainant	[redacted], on behalf of [redacted]
Station	Red FM
Programme Name	Neil Prendeville Show
Broadcast Date	16th June 2021
Broadcast Time	10.30am
Programme Description	Current affairs programme, broadcast weekday mornings.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality); 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); and, BAI Code of Programme Standards - Principles 2, 3 and 5.

Complaint Summary

The complaint concerns an interview with Councillor Ken O'Flynn, of Cork City Council, regarding living conditions on the Spring Lane halting site and in the context of a report, 'No End in Site', from the Ombudsman for Children's Office (OCO).

The complainant is of the view the broadcast contained inaccurate and misleading information and was presented in a manner that was not objective or impartial.

The complainant believes the interviewee made several "grossly" inaccurate and misleading statements, which were not challenged by the presenter. Examples provided by the complainant include:

- A claim that the OCO report is a two- or three-page document and questioning as to why it took so long to produce.
- An implication that figures in relation to housing offers in the OCO report are inaccurate, which was later presented in the interview as evidence that the report is not credible.
- A claim that the local authority has continuously made offers of housing which are being refused by the families because of unreasonable expectations for houses.
- A claim that Cork City Council had to go to court and spend money on legal fees to temporarily move people so that contractors could fix a cliff face.
- A claim that Cork City Council funds were set aside for investment in improved sanitation on the site and allegations of an assault and robbery of the contractor secured by the Council to undertake these works.

The complainant also believes the topic of illegal dumping adjacent to the site was presented in the broadcast in a misleading manner which suggested the site residents were the perpetrators of the dumping.

The complainant is of the view the presenter did not conduct the interview in an objective or impartial manner because he did not challenge misleading and inaccurate claims made by the interviewee and, at times, he reinforced those claims with comments such as:

- *"I give up! I give up!"*
- *"Ah, come here, are we mugs or what, like?"*
- *"This is intolerable".*
- *"Ok, I think people have a much clearer opinion now and a much clearer idea as to what is going on and also, we've corrected some of the numbers. Ken, thank you so much."*

The complainant believes this broadcast was offensive and harmful to residents of the site and to Travellers, more generally.

The complainant states that the interview included many anti-Traveller stereotypes and characterised site residents as unreasonable, dishonest, criminal and violent. The complainant believes that the tone of the interview and the multiple accusations of criminality, antisociality and blame, stigmatise and create mistrust of Travellers in society. The complainant believes the interviewee implied that parents on the site are neglecting and abusing their children, which was not challenged by the presenter. The complainant states that this serious allegation caused grave offence to parents living on the site.

The complainant states that residents of the site have advised the Cork Traveller Women's Network (CTWN) that this interview was harmful to them, with some expressing concerns about future harm to their prospects of securing better accommodation and how they may be treated by prospective neighbours if offered standard housing. The complaint also cited an example of one person informing CTWN of being ignored by other parents at school drop-off, who had been discussing this broadcast, and experiencing embarrassment and shame and feeling concern for how her daughter would be treated.

Broadcaster Response Summary

The broadcaster notes that there are clearly very different opinions on the factual content that the contributor made to the programme.

The broadcaster states that the production team for the programme spoke to members of the Traveller community in Cork to get their perspective on conditions at Spring Lane site and some of those conversations were due to lead to on air contributions, but these individuals subsequently opted not to speak on radio. The broadcaster notes that it cannot opt not to cover topics if the alternative view is not available or willing to discuss it publicly.

The broadcaster claims that this programme has always given the Traveller community members an opportunity to discuss such issues.

The broadcaster maintains that the presenter, in the interview with the Councillor, referred to "your version" and challenged the comments regarding children and alcohol consumption. The broadcaster claims it always tries to provide both perspectives on items discussed on the programme.

The broadcaster offered to have the Cork Traveller Women's Network or the Cork Traveller Visibility Group on the programme to discuss this issue and give their perspective.

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 segment of the broadcast complained of was an interview with a Cork City Councillor in relation to housing in Cork, which featured a discussion on the contents of an investigation report by the Ombudsman for Children's Office (OCO) in relation to living conditions for children at the Spring Lane halting site.

The Committee first considered whether the broadcast had infringed rules 4.1, 4.2, 4.17, 4.19 and 4.22 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. 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, having regard to the circumstances and facts known at the time. Views and facts shall not be misrepresented or presented in such a way as to render them misleading. Presenters are required to 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.

Considering the interview in whole and in context, the Committee found the presenter had failed to sufficiently challenge the contributor's views and the broadcast did not provide a wide variety of views on the subject or reflect the views of those who chose not to participate in the programme. While the Committee did not find sufficient evidence of inaccuracies or misleading content in the broadcast that would infringe rules 4.17 and 4.19 of the Code, the Committee noted the contributor was allowed to make serious allegations in relation the Spring Lane halting site and in relation to the OCO report without the presenter challenging those allegations or raising the type of questions that would reflect a range of perspectives on the subject under discussion. Broadcasts do not have to feature all viewpoints to meet the requirements of fairness, objectivity and impartiality in the Code, however, there is an expectation the presenter will ensure discussions of 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. The Committee found no evidence in the broadcast of the presenter providing such views. On this matter, the Committee was also critical of the broadcaster's response to this complaint which demonstrated a lack of regard for its obligation to reflect the views of members of the Traveller community in Cork who the broadcaster said were contacted by the production team but who chose not to participate in the programme. Considering the above factors,

the Committee formed the view the broadcast had not engaged seriously with the OCO report and its contents and the Committee was severely critical of the quality of journalism demonstrated in the broadcast, which did not meet the requirements of fairness, objectivity and impartiality in the Code.

The Committee then went on to consider whether the broadcast had infringed Principles 2, 3 and 5 of the BAI 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 Code requires broadcasters to take due care to ensure audiences are not exposed to harmful content and to provide adequate information to audiences to allow them to make informed choices about what they listen to and watch. The Code provides 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 Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee noted the contributor made serious allegations concerning the residents of Spring Lane halting site, which were not adequately challenged by the presenter. The Committee formed the view that these allegations and the manner in which they were treated in the broadcast presented stereotypical views about Travellers and showed no respect for the people who live in the Spring Lane halting site. The Committee did not believe that the context in which the programme was broadcast was a factor in this infringement of the Code. The Committee also found there was insufficient evidence to say that the broadcast contained harmful material as it is defined in the Code, that is, material that causes, mental, psychological or physical harm. However, the Committee was of the view the broadcast contained an inappropriate and unjustifiable representation of the residents of Spring Lane halting site and of Travellers generally and that the content amounted to a stigmatisation of Travellers.

The Committee concluded the broadcast had infringed rules 4.1, 4.2 and 4.22 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs and Principle 5 of BAI Code of Programme Standards. Accordingly, the Committee upheld the complaint, in part.

Rejected by Compliance Committee

Complaint Reference Number	**C5541**
Complainant	Anonymous
Station	Clare FM
Programme Name	Morning Focus with Alan Morrissey
Broadcast Date	12th July 2021
Broadcast Time	09:00
Programme Description	Latest news, entertainment and magazine style 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 on the programme in relation to the UEFA Euro 2020 Final between England and Italy.

The complainant states that the presenter requested listeners to contact the programme with their views on England losing in the Final against Italy and asked if they were "delighted" that England had lost. The complainant questions whether this constitutes incitement to hatred or racist commentary and believes it infringes the legislative and regulatory provisions in relation to harm and offence, in particular, around respect for people and groups in society.

Broadcaster Response Summary

The broadcaster rejects the complainant's view that the broadcast was racist and notes the presenter, on previous mornings during Euro 2020, praised all soccer teams and made several positive comments about the English team.

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 reasons for the Committee's decision are set out below.

The complaint was made under Principle 5 of the BAI Code of Programme Standards, which provides 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. Principle 5 also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The complaint concerns the presenter's introductory comments in the broadcast about upcoming items on the programme, one of which was a discussion on the Euro 2020 Final between England and Italy. The presenter asked, *"Did you watch it? What did you think of it? Are you delighted England lost or did you have any feelings either way? Do get in touch and let us know."*

The Committee noted the questions posed by the presenter were clearly designed to stimulate audience engagement and participation in the programme with their views on a recent sporting event. The Committee was of the view that this type of introduction to a broadcast is typical of programmes of this nature and topics of this nature. The Committee noted the complainant was offended by the presenter asking if listeners were delighted that England lost but the Committee did not believe this question about a football match amounted to stigmatising English people or supporting or condoning discrimination against English people or that it incited hatred against English people. However, the Committee expressed dissatisfaction with the broadcaster's response to this complaint, which did not demonstrate the broadcaster had engaged meaningfully with the complainant or substantively addressed the complaint.

The Committee concluded the broadcast had not infringed the relevant provisions of the Broadcasting Act 2009 or BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5567**
Complainant	[redacted]
Station	Newstalk 106-108FM
Programme Name	The Pat Kenny Show
Broadcast Date	13th October 2021
Broadcast Time	09:00
Programme Description	Current affairs analysis, human interest stories and light entertainment
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.22.

Complaint Summary

The complaint concerns an interview with the Tánaiste in relation to people who have not had a Covid-19 vaccination.

The complainant believes the presenter's comments and line of questioning in relation to restrictions for people who are not vaccinated were an expression of the presenter's own views and were discriminatory, derogatory and incited hatred. The complainant believes the presenter is either unaware of the facts in relation to vaccinated people transmitting Covid-19 or is deliberating choosing to ignore them.

Broadcaster Response Summary

The broadcaster believes the interview with the Tánaiste was fair, objective and impartial.

The broadcaster notes this was a wide-ranging interview following Budget 2022 and dealt with a variety of issues, including a five-minute section on the proposed lifting of public health restrictions on 22nd October 2021.

The broadcaster believes that the presenter's line of questioning was legitimate in the context of the interview and did not amount to the presenter expressing his own views.

The broadcaster states that it is an important part of the presenter's role in a current affairs programme to ask critical questions and to reflect the views of those who cannot or choose not to participate, which sometimes involves conveying critical views and asking robust questions. The broadcaster believes the presenter played this role in the interview.

The broadcaster does not believe the questioning amounted to incitement to hatred or discrimination. The broadcaster notes that the idea of ongoing restrictions for people who are not vaccinated was not new at the time of the interview and such restrictions were in place at the time of interview, with the use of the Digital Vaccine Covid Certs.

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 reasons for the Committee's decision are set out below.

The broadcast was a wide-ranging interview with Tánaiste, Leo Varadkar, the day after Budget 2022 was announced. The interview covered topics such as the Budget, Gardaí numbers, housing, labour shortages, the Northern Ireland Protocol, blended and remote working, and a new public holiday. Approximately 5 minutes mid-way through the interview and 1 minute at the end of the interview was given to discussing the planned lifting of Covid-19 public health restrictions on 22nd October 2021. The complaint is concerned mainly with these parts of the broadcast.

The complaint was submitted under section 48(1)(a) of the Broadcasting Act 2009. The relevant legislative provision 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 complaint was also submitted under rule 4.22 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which provides that current affairs presenters shall not express their own views such that a partisan position is advocated. In addition, presenters are required to 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.

The Committee considered the presentation of the subject matter in the broadcast and the role of the presenter. The Committee noted the subject of Covid-19 public health restrictions was introduced by the presenter asking the interviewee why the Government planned to lift the restrictions considering the rising case numbers and numbers of people in hospital and in Intensive Care Units (ICU) with Covid-19. The presenter termed the current situation as a "pandemic of the unvaccinated" which the Committee understood as a reference to the disproportionate number of unvaccinated people compared to vaccinated people in hospital and ICU. The presenter asked the interviewee why the Government planned to remove restrictions on access to restaurants and other public spaces for people who are not vaccinated in this context. The presenter also asked if the activities of people who are not vaccinated should continue to be restricted.

The Committee observed that it is entirely appropriate for a current affairs presenter to question a member of Government about Government policy and decisions and to account for those policies and decisions. The Committee was of the opinion the presenter was carrying out this role in this interview and noted that he allowed the interviewee ample time to respond to his questions. The Committee believed the line of questioning was appropriate to the subject matter discussed and found no evidence of discriminatory or derogatory content or incitement to hatred.

The Committee noted the language used by the presenter was sometimes strong, for example, when he suggested people who are not vaccinated must be thinking the people who got a Covid-19 vaccine were "eejits". The Committee, however, was satisfied that this manner of questioning was in keeping with the presenter's style and approach and that of the programme.

The Committee found no evidence in the broadcast of the presenter stating or implying that vaccinated people do not contract or transmit Covid-19. The Committee also found no evidence in the content of the presenter expressing his own views such that a partisan position was advocated.

The Committee was of the opinion this was a robust political interview which did not infringe on the requirements of fairness, objectivity or impartiality.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009 or the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5570**
Complainant	[redacted]
Station	Newstalk 106-108FM
Programme Name	The Pat Kenny Show
Broadcast Date	13th October 2021
Broadcast Time	09:00
Programme Description	Current affairs analysis, human interest stories and light entertainment stories.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.1, 4.2, 4.19, 4.20 and 4.22.

Complaint Summary

The complaint concerns an interview with the Tánaiste in relation to people who have not had a Covid-19 vaccination.

The complainant claims the presenter made the following comments during the interview, *"After October 22nd the only bonus will be for the people who put us all in harm's way. Making the rest of us look like eejits. Why no restrictions for the unvaccinated? Why should they have this freedom?".*

The complainant believes these comments were discriminatory against people who have not had a Covid-19 vaccine and contravened various requirements of fairness, objectivity and impartiality in the BAI Code.

The complainant notes that vaccination is not mandatory for all in Irish society and that many people have reasons for valid concerns about certain vaccines. The complainant expresses a view that the science is "not settled" on the vaccines and notes that fully vaccinated people can still spread Covid-19.

Broadcaster Response Summary

The broadcaster notes this was a wide-ranging interview that dealt with a variety of issues, with five minutes of the interview were dedicated to the proposed lifting of all remaining public health restrictions on 22nd October 2021. The broadcaster states that the interview was robust throughout and the presenter directly questioned the Tánaiste on specific policy in all of the areas covered in the discussion.

The broadcaster states that the specific comment referred to in the complaint was not an expression of the presenter's views but a question to the Tánaiste, who is one of the main decision-makers in relation to the public health restrictions.

The broadcaster states that it is an important part of the presenter's role, during a current affairs programme, to ask critical questions and to reflect the views of those who cannot or choose not to participate, which sometimes involves conveying critical views and asking robust questions. The

broadcaster believes the presenter was playing this role in the interview. The broadcaster does not accept that the questioning amounted to discrimination or that it infringed the BAI Code.

The broadcaster notes that the concept of restrictions for people who are not vaccinated was not new at the point of the interview and such a system was already in place with the use of the Digital Covid Vaccine Certs. The broadcaster states that the presenter was simply asking the Tánaiste if he believed that the use of these Certs should be extended.

The broadcaster rejects the complainant's suggestion that the presenter engaged in hate speech or division or that he breached any BAI 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 reasons for the Committee's decision are set out below.

The broadcast was a wide-ranging interview with Tánaiste, Leo Varadkar, the day after Budget 2022 was announced. The interview covered topics such as the Budget, Gardaí numbers, housing, labour shortages, the Northern Ireland Protocol, blended and remote working, and a new public holiday. Approximately 5 minutes mid-way through the interview and 1 minute at the end of the interview was given to discussing the planned lifting of Covid-19 public health restrictions on 22nd October 2021. The complaint is concerned mainly with these parts of the broadcast.

The complaint was submitted under rules 4.1, 4.2, 4.19, 4.20 and 4.22 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. 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 shall not be misrepresented or presented in such a way as to render them misleading. A significant mistake shall be acknowledged and rectified as speedily as possible, in an appropriate and proportionate manner. Current affairs presenters shall not express their own views such that a partisan position is advocated. In addition, presenters are required to 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.

The Committee considered the presentation of the subject matter in the broadcast and the role of the presenter. The Committee noted the subject of Covid-19 public health restrictions was introduced by the presenter asking the interviewee why the Government planned to lift the restrictions considering the rising case numbers and numbers of people in hospital and in Intensive Care Units (ICU) with Covid-19. The presenter termed the current situation as a "pandemic of the unvaccinated" which the Committee understood as a reference to the disproportionate number of unvaccinated people compared to vaccinated people in hospital and ICU. The presenter asked the interviewee why the Government planned to remove restrictions on access to restaurants and other public spaces

for people who are not vaccinated in this context. The presenter also asked if the activities of people who are not vaccinated should continue to be restricted.

The Committee observed that it is entirely appropriate for a current affairs presenter to question a member of Government about Government policy and decisions and to account for those policies and decisions. The Committee was of the opinion the presenter was carrying out this role in this interview and noted that he allowed the interviewee ample time to respond to his questions. The Committee believed the line of questioning was appropriate to the subject matter discussed and found no evidence of discriminatory or derogatory content or incitement to hatred.

The Committee noted the language used by the presenter was sometimes strong, for example, when he suggested people who are not vaccinated must be thinking the people who got a Covid-19 vaccine were “eejits”. The Committee, however, was satisfied that this manner of questioning was in keeping with the presenter’s robust style and approach and that of the programme.

The Committee found no evidence in the broadcast of the presenter stating or implying that vaccinated people do not contract or transmit Covid-19. The Committee also found no evidence in the content of the presenter expressing his own views such that a partisan position was advocated.

The Committee found no case made in the complaint of any significant mistakes in the broadcast or of views and facts that were misrepresented or presented in such a way as to render them misleading.

The Committee was of the opinion this was a robust political interview which did not infringe on the requirements of fairness, objectivity or impartiality.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009 or the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5573**
Complainant	[redacted]
Station	Newstalk 106-108FM
Programme Name	The Pat Kenny Show
Broadcast Date	13th October 2021
Broadcast Time	09:00
Programme Description	Current affairs analysis, human interest stories and light entertainment stories.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.17.

Complaint Summary

The complaint concerns an interview with the Tánaiste in respect of the number of people with Covid-19 in hospital Intensive Care Units (ICUs).

The complainant claims the Tánaiste made the following statement during the interview, *"There are about 75 people in ICU today, 50 of those are not fully vaccinated. So, if everyone was fully vaccinated, there would only be 25 in ICU".*

The complainant states that the Tánaiste's statement was not accurate and was not corrected or challenged in the broadcast.

Broadcaster Response Summary

The broadcaster believes that it was clear from the Tánaiste's tone that he was making an approximation based on the information to hand and that he believed what he was saying was correct.

The broadcaster notes that the Tánaiste is the second most senior politician in Government and a key member of the Cabinet sub-committee on Covid-19 and he would have been privy to the most up-to-date information at the point of this interview. The broadcaster states that the Tánaiste did not set out to explain the intricacies of the situation in ICU but was illustrating a point for the listener in a straight-forward manner. The broadcaster is of the view that listeners would have understood that he was simplifying the situation and that this was clear in the context of the interview.

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 reasons for the Committee's decision are set out below.

The broadcast was a wide-ranging interview with Tánaiste, Leo Varadkar, the day after Budget 2022 was announced. The interview covered topics such as the Budget, Gardaí numbers, housing, labour

shortages, the Northern Ireland Protocol, blended and remote working, and a new public holiday. Approximately 5 minutes mid-way through the interview and 1 minute at the end of the interview was given to discussing the planned lifting of Covid-19 public health restrictions on 22nd October 2021. The complaint is concerned mainly with these parts of the broadcast.

The complaint was submitted under section 48(1)(a) of the Broadcasting Act 2009. The relevant legislative provision 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 complaint was also submitted under rule 4.22 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which provides that news and current affairs must be presented with due accuracy, having regard to the circumstances and facts known at the time.

The Committee considered the presentation of the subject matter in the broadcast and the role of the presenter. The Committee noted the subject of Covid-19 public health restrictions was introduced by the presenter asking the interviewee why the Government planned to lift the restrictions considering the rising case numbers and numbers of people in hospital and in Intensive Care Units (ICU) with Covid-19. The presenter termed the current situation as a "pandemic of the unvaccinated" and asked why people who are not vaccinated will have the "bonus" of being able to socialise in public spaces after the restrictions are lifted. The interviewee responded,

> ***"Well, first of all, like what you say is correct, it is now a pandemic of the unvaccinated. That wasn't the case obviously before the vaccines. The vaccines are safe and enormously effective. There are about 75 people in ICU today; 50 of those are not fully vaccinated. So, if everyone was fully vaccinated, there would only be 25 in ICU. That's the difference the vaccines are making".***

The Committee understood the interviewee's comment to mean that there was a disproportionate number of unvaccinated people in ICUs with Covid-19 which means vaccines have been effective in reducing the incidence of severe illness across the population. The Committee noted the figures used by the interviewee to illustrate his point were not accurate, but the Committee was satisfied the underlying point was not misleading or misrepresentative of the situation. The Committee also noted this was one point in a longer discussion about Covid-19 vaccines and public health restrictions, which was not focused primarily on hospital numbers, and which was itself only one part of a much broader political interview with the Tánaiste. The Committee was satisfied the audience would not have been misled by the content and that it did not infringe the requirements of due accuracy in the Code.

In considering the manner in which the subject was presented, the Committee observed that it is entirely appropriate for a current affairs presenter to question a member of Government about Government policy and decisions and to account for those policies and decisions. The Committee was of the opinion the presenter was carrying out this role in this interview and noted that he allowed the interviewee ample time to respond to his questions. The Committee believed the line of questioning was appropriate to the subject matter discussed. The Committee was of the opinion this was a robust political interview which did not infringe on the requirements of fairness, objectivity or impartiality.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009 or the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5574**
Complainant	[redacted], on behalf of [redacted]
Station	RTÉ One
Programme Name	Claire Byrne Live
Broadcast Date	18th October 2021
Broadcast Time	22:30
Programme Description	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 and 4.2; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principle 3.

Complaint Summary

The complaint concerns an interview with journalist, Joe O'Shea, about people choosing not to have a Covid-19 vaccination and possible public policy options in relation to this.

The complainant believes the presenter provided only one side of a complex argument and targeted a section of the community, thereby failing to provide fairness and balance. The complainant suggests that a representative of "the other side of the argument" should have been included in the broadcast, at a minimum, to meet the requirements of fairness, objectivity and impartiality in the legislation and the Code.

The complainant also believes that the broadcaster is using a particular figure in the count of people who are not vaccinated to "isolate" those people.

Broadcaster Response Summary

The broadcaster notes that there is no statutory or regulatory provision requiring balance. The broadcaster states that there is overwhelming medical and public health consensus on the efficacy of Covid-19 vaccines in dealing with the pandemic and the broadcaster will give due weight to that body of expertise. The broadcaster notes there is no requirement to provide a "false equivalence" between the consensus of public health experts and those who dispute the efficacy of Covid-19 vaccines.

The broadcaster states that the complainant is factually incorrect in claiming that only one side of the argument was aired. The broadcaster believes the presenter challenged the views of the interviewee and that a range of views was provided through reports from journalists and audience members and another interviewee.

The broadcaster rejects the complainant's claim that the interviewee incited hatred or targeted a group in society. The broadcaster notes that the interviewee expressed a view that restrictions should be placed on those who choose not to take a Covid-19 vaccine, which reflects the fact that

restrictions on people who are not vaccinated already apply to some societal activities, as a matter of public health policy.

The broadcaster believes the broadcast was fully in compliance with all the 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 Codes, the Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The broadcast was a discussion with several interviewees and studio audience contributors on the latest developments in relation to Covid-19 and in the context of the Government's intention to lift public health restrictions on 22nd October 2021. The broadcast included some poll results on matters related to vaccinations and restrictions. The complaint is concerned mainly with the interview with journalist, Joe O'Shea.

The complaint was submitted 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. 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 considered whether the broadcast was one-sided and did not meet the requirements fairness, objectivity and impartiality. The Committee noted the interview was introduced by the presenter following the results of a poll showing 69% of respondents in favour of increased restrictions on people who are not vaccinated. The presenter asked the interviewee why he, like those respondents, favoured more restrictions for people who are not vaccinated. The interviewee set out his view that there are no scientific arguments for people not to be vaccinated and people should be compelled to have a Covid-19 vaccine by excluding unvaccinated people from public spaces. The presenter asked the interviewee whether he was advocated forcing people to have a vaccine and noted that people have a right to decide to take a vaccine. The interviewee said he was not in favour of forcing people to have a vaccine, but if people decided not to have a vaccine, the consequence for them ought to be exclusion from public spaces because of the risk unvaccinated people pose "to our society, to our people, to our loved ones". Later in the programme, the presenter put the interviewee's views to another contributor, a Professor of Immunology, to respond. She spoke about addressing the reasons why people chosen not to have a vaccine, listening to their concerns and finding ways to encourage people to come forward to be vaccinated.

The Committee was satisfied the opinions of the interviewee were clearly presented as such and the presenter appropriately challenged these views and sought the opinions of another contributor on them. The Committee observed 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 or for there to be an "artificial balance" of viewpoints. An example of artificial balance may be including the views of people who

do not believe matters of established fact or scientific consensus. The Committee was satisfied the subject was presented in an objective and impartial manner and was fair to all interests concerned.

The complaint was submitted under Principle 3 of the Code of Programme Standards, which requires broadcasters to take due care to ensure audiences are not exposed to harmful content and to provide adequate information to audiences to allow them to make informed choices about what they listen to and watch. The complaint was also submitted under a section of the Broadcasting Act 2009 which provides that broadcaster shall not broadcast anything which may reasonably regarded as causing harm or offence, of as being likely to promote, or incite to, crime or as tending to undermine the authority of the State.

The Committee noted the complaint referred to the broadcast as “targeting a section of our community” but provided no supporting case for this claim or how the broadcast infringed the requirements of the legislation and the Code of Programme Standards. The Committee observed that people who are not vaccinated against Covid-19 or those who choose not to be vaccinated are not a group offered specific protection by equality legislation or the Code of Programme Standards. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5575**
Complainant	[redacted]
Station	Newstalk 106-108FM
Programme Name	The Pat Kenny Show
Broadcast Date	13th October 2021
Broadcast Time	09:00
Programme Description	Current affairs analysis, human interest stories and light entertainment stories.
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; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards - Principle 5.

Complaint Summary

The complaint concerns an interview with the Tánaiste in relation to people who have not had a Covid-19 vaccination.

The complainant believes the interview was biased and that listeners were not given the complete facts or an objective, fair and balanced discussion. The complainant notes that vaccines do not stop transmission or prevent vaccinated individuals from contracting Covid-19.

The complainant claims the broadcast was “anti-science”, lacking in truth and that it did not include views countering the argument that there is a “pandemic of the unvaccinated”.

The complainant believes the presenter incited hatred against people who are not vaccinated and that he effectively lobbied the Tánaiste to remove basic human rights of those people.

The complainant states that the Tánaiste claimed there would be fifty fewer people in Intensive Care Units (ICUs) if everyone was fully vaccinated. The complainant believes this is claim is not based in fact and went unchecked in the broadcast.

Broadcaster Response Summary

The broadcaster notes this was a wide-ranging interview that dealt with a variety of issues, with five minutes of the interview dedicated to the proposed lifting of all remaining public health restrictions on 22nd October 2021. The broadcaster states that the interview was robust throughout and the presenter directly questioned the Tánaiste on specific policy in all of the areas covered in the discussion.

The broadcaster does not accept that the interview amounted to lobbying or incitement to hatred against people who are not vaccinated. The broadcaster states that it is an important part of the presenter’s role, during a current affairs programme, to ask critical questions and to reflect the views of those who cannot or choose not to participate in the programme, which sometimes involves

conveying critical views and asking robust questions. The broadcaster believes the presenter was playing this role in the interview.

The broadcaster notes that the concept of restrictions for people who are not vaccinated was not new at the point of the interview and such a system was already in place with the use of the Digital Covid Vaccine Certs. The broadcaster states that the presenter was simply asking the Tánaiste if he believed that the use of these Certs should be extended.

The broadcaster also notes that, at no point in the interview, did the presenter claim that vaccinated people could not be infected with Covid-19.

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 reject the complaint. The reasons for the Committee's decision are set out below.

The broadcast was a wide-ranging interview with Tánaiste, Leo Varadkar, the day after Budget 2022 was announced. The interview covered topics such as the Budget, Gardaí numbers, housing, labour shortages, the Northern Ireland Protocol, blended and remote working, and a new public holiday. Approximately 5 minutes mid-way through the interview and 1 minute at the end of the interview was given to discussing the planned lifting of Covid-19 public health restrictions on 22nd October 2021. The complaint is concerned mainly with these parts of the broadcast.

The complaint was submitted under section 48(1)(a) of the Broadcasting Act 2009 and rule 4.1 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which 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 Committee noted the subject of Covid-19 public health restrictions was introduced by the presenter asking the interviewee why the Government planned to lift the restrictions considering the rising case numbers and numbers of people in hospital and in Intensive Care Units (ICU) with Covid-19. The presenter termed the current situation as a "pandemic of the unvaccinated" and asked why people who are not vaccinated will have the "bonus" of being able to socialise in public spaces after the restrictions are lifted. The interviewee responded,

> *"Well, first of all, like what you say is correct, it is now a pandemic of the unvaccinated. That wasn't the case obviously before the vaccines. The vaccines are safe and enormously effective. There are about 75 people in ICU today; 50 of those are not fully vaccinated. So, if everyone was fully vaccinated, there would only be 25 in ICU. That's the difference the vaccines are making".*

The Committee understood the interviewee's comment to mean that there was a disproportionate number of unvaccinated people in ICUs with Covid-19 which means vaccines have been effective in reducing the incidence of severe illness across the population. The Committee noted the figures used by the interviewee to illustrate his point were not accurate, but the Committee was satisfied the

underlying point was not misleading or misrepresentative of the situation. The Committee also noted this was one point in a longer discussion about Covid-19 vaccines and public health restrictions, which was not focused primarily on hospital numbers, and which was itself only one part of a much broader political interview with the Tánaiste. The Committee was satisfied the audience would not have been misled by the content and that it did not infringe the requirements of due accuracy in the Code.

Considering the interview more broadly, the Committee observed that it is entirely appropriate for a current affairs presenter to question a member of Government about Government policy and decisions and to account for those policies and decisions. The Committee was of the opinion the presenter was carrying out this role in this interview and noted that he allowed the interviewee ample time to respond to his questions. The Committee believed the line of questioning was appropriate to the subject matter discussed.

The Committee found no evidence in the broadcast of the presenter stating or implying that vaccinated people do not contract or transmit Covid-19.

The Committee noted the language used by the presenter was sometimes strong, for example, when he suggested people who are not vaccinated must be thinking the people who got a Covid-19 vaccine were “eejits”. The Committee, however, was satisfied that this manner of questioning was in keeping with the presenter’s style and approach and that of the programme.

The Committee was of the opinion this was a robust political interview which did not infringe on the requirements of fairness, objectivity or impartiality.

The complaint was also submitted under Principle 5 of the BAI Code of Programme Standards, which provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the presenter’s questions as to why the Government planned to remove restrictions for people who are not vaccinated and whether such restrictions ought to continue amounted to an infringement of the above Principle. The Committee noted that it had been public policy in Ireland to have different public health restrictions in place for people based on their Covid-19 vaccination status. The Committee is of the view that it is editorially legitimate to question a member of Government on its decisions and plans in relation to such public policies and such content has an important role in informing the public on matters of national policy. The Committee acknowledges the complainant may not agree with a policy of public health restrictions for people who are not vaccinated against Covid-19 and may be offended by questions as to whether such restrictions should continue, however, the Code of Programme Standards is not intended to be used to stifle expression of views and discussion matters of public importance.

The Committee noted that people who are not vaccinated are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code of Programme Standards. The Committee found no evidence in the broadcast of content that

stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5576**
Complainant	[redacted]
Station	Newstalk 106-108FM
Programme Name	The Pat Kenny Show
Broadcast Date	13th October 2021
Broadcast Time	09:00
Programme Description	Current affairs analysis, human interest stories and light entertainment stories.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1.

Complaint Summary

The complaint concerns an interview with the Tánaiste in relation to people who have not had a Covid-19 vaccination.

The complainant believes the presenter's comments and line of questioning in relation to restrictions for people who are not vaccinated were an expression of the presenter's own views and incited division against people who are not vaccinated. The complainant believes the interview was a way to incite debate on a two-tier society.

Broadcaster Response Summary

The broadcaster rejects the complainant's suggestion that the programme was in breach of the BAI Code.

The broadcaster notes that, throughout the pandemic, there has been robust debate and discussion on the programme about all aspects of Covid-19.

The broadcaster believes that the presenter supports his questions with facts and data and distinguishes carefully between those who are unable to receive the vaccine and those who choose not to be vaccinated.

The broadcaster states that it is an important part of the presenter's role, during a current affairs programme, to ask critical questions and to reflect the views of those who cannot or choose not to participate in the programme. The broadcaster believes the presenter's coverage of the pandemic has been appropriate in this context.

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 reasons for the Committee's decision are set out below.

The broadcast was a wide-ranging interview with Tánaiste, Leo Varadkar, the day after Budget 2022 was announced. The interview covered topics such as the Budget, Gardaí numbers, housing, labour shortages, the Northern Ireland Protocol, blended and remote working, and a new public holiday. Approximately 5 minutes mid-way through the interview and 1 minute at the end of the interview was given to discussing the planned lifting of Covid-19 public health restrictions on 22nd October 2021. The complaint is concerned mainly with these parts of the broadcast.

The complaint was submitted under section 48(1)(a) of the Broadcasting Act 2009 and rule 4.1 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which 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 Committee considered the presentation of the subject matter in the broadcast and the role of the presenter. The Committee noted the subject of Covid-19 public health restrictions was introduced by the presenter asking the interviewee why the Government planned to lift the restrictions considering the rising case numbers and numbers of people in hospital and in Intensive Care Units (ICU) with Covid-19. The presenter termed the current situation as a "pandemic of the unvaccinated" which the Committee understood as a reference to the disproportionate number of unvaccinated people compared to vaccinated people in hospital and ICU. The presenter asked the interviewee why the Government planned to remove restrictions on access to restaurants and other public spaces for people who are not vaccinated in this context. The presenter also asked if the activities of people who are not vaccinated should continue to be restricted.

The Committee observed that it is entirely appropriate for a current affairs presenter to question a member of Government about Government policy and decisions and to account for those policies and decisions. The Committee was of the opinion the presenter was carrying out this role in this interview and noted that he allowed the interviewee ample time to respond to his questions. The Committee believed the line of questioning was appropriate to the subject matter discussed and found no evidence of discriminatory or derogatory content or incitement to hatred.

The Committee noted the language used by the presenter was sometimes strong, for example, when he suggested people who are not vaccinated must be thinking the people who got a Covid-19 vaccine were "eejits". The Committee, however, was satisfied that this manner of questioning was in keeping with the presenter's style and approach and that of the programme. The Committee found no evidence in the content of the presenter expressing his own views such that a partisan position was advocated.

The Committee was of the opinion this was a robust political interview which did not infringe on the requirements of fairness, objectivity or impartiality.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009 or the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5578**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Claire Byrne Live
Broadcast Date	18th October 2021
Broadcast Time	22:30
Programme Description	Current affairs
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, 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 journalist Joe O'Shea about people choosing not to have a Covid-19 vaccination and possible public policy options in relation to this.

The complainant believes statements made by the interviewee were not fair or honest in dealing with the subject of Covid-19 vaccines or in treating individuals who have chosen not to have a Covid-19 vaccine.

The complainant states that during the discussion, the interviewee expressed unfounded views and general anger about individuals who have not been vaccinated. The complainant claims that the interviewee used terms such as "cult-like" and "hardcore cranks" to describe people who have not been vaccinated and alluded to such people having conspiratorial views about Bill Gates turning people "into robots". The complainant believes the interviewee's comments were subjective opinions which were not supported by facts nor were they balanced with opposing opinions from any other contributor or the programme presenter.

The complainant believes that by allowing these views to go unchallenged, this segment of the broadcast showed bias and prejudice. The complainant further claims that the presenter's failure to pursue vigorous questioning of the interviewee, led to a lack of impartiality and objectivity in this broadcast.

Broadcaster Response Summary

The broadcaster states the programme focused on the latest developments in relation to Covid-19 and the imminent announcement from Government on whether it intended to proceed with plans to lift remaining public health restrictions and re-open society on 22nd October 2021. In this context, the broadcaster believes the discussion on vaccination and those not availing of vaccination was editorially legitimate, particularly given the consensus of public health advice that vaccination helps reduce the severity of illness and potential mortality from Covid-19 infection. The broadcaster notes that it is an established principle that broadcasters can, and should, give due weight to the consensus of scientific, medical, and public knowledge on issues such as this.

The broadcaster notes the interviewee was one of a number of contributors to the programme and that the broadcast provided a range of views on the subject from the panel and audience members.

The broadcaster believes the interviewee's view that there should be restrictions on people who are not vaccinated is an entirely legitimate view to hold, given the public health advice at the time, and notes that this view was shared by 69% of respondents to a poll referenced in the broadcast.

The broadcaster notes that the presenter challenged the interviewee's argument in favour of not "forcing" people to take vaccines but to "compel" them by imposing restrictions if they choose not to be vaccinated.

The broadcaster states that it is factually incorrect that the interviewee spoke about people not getting vaccinated because of their religious beliefs, but rather he expressed a view that some people have an almost religious belief in theories that set them against the scientific consensus. The broadcaster also states that it is incorrect that the interviewee targeted young people but rather he mentioned young people and "healthy" people as examples of groups who *may* feel it is not in their interests to get the vaccine.

The broadcaster believes the programme was fully compliant with all the 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 reasons for the Committee's decision are set out below.

The broadcast was a discussion with several interviewees and studio audience contributors on the latest developments in relation to Covid-19 and in the context of the Government's intention to lift public health restrictions on 22nd October 2021. The broadcast included some poll results on matters related to vaccinations and restrictions. The complaint is concerned mainly with the interview with journalist, Joe O'Shea.

The complaint was submitted 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. 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 considered whether there was a lack of fairness, objectivity or impartiality in the broadcast and whether the audience had been provided with a range of views on the subject under discussion. The Committee noted the interview was introduced by the presenter following the results of a poll showing 69% of respondents in favour of increased restrictions on people who are not vaccinated. The presenter asked the interviewee why he, like those respondents, favoured more restrictions for people who are not vaccinated. The interviewee set out his view that there are no

scientific arguments for people not to be vaccinated and people should be compelled to have a Covid-19 vaccine by excluding unvaccinated people from public spaces. The presenter asked the interviewee whether he was advocated forcing people to have a vaccine and noted that people have a right to decide to take a vaccine. The interviewee said he was not in favour of forcing people to have a vaccine, but if people decided not to have a vaccine, the consequence for them ought to be exclusion from public spaces because of the risk unvaccinated people pose "to our society, to our people, to our loved ones". Later in the programme, the presenter put the interviewee's views to another contributor, a Professor of Immunology, to respond. She spoke about addressing the reasons why people chosen not to have a vaccine, listening to their concerns and finding ways to encourage people to come forward to be vaccinated.

The Committee noted the Code is not intended to preclude the expression of opinion by contributors to current affairs programmes and the rules limiting the expression of opinion are confined to just the presenters of news and current affairs. The Committee was satisfied the opinions of the interviewee were clearly presented as such and the presenter appropriately challenged these views and sought the opinions of another contributor on them. The Committee did not believe the audience would have been misled on the issues under discussion and was satisfied the subject was presented in an objective and impartial manner and was fair to all interests concerned.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009 or the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5579**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Claire Byrne Live
Broadcast Date	18th October 2021
Broadcast Time	22:30
Programme Description	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 - rule 4.1 Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principle 5.

Complaint Summary

The complaint concerns an interview with journalist, Joe O'Shea, about people choosing not to have a Covid-19 vaccination and possible public policy options in relation to this.

The complainant states that during the discussion, the interviewee made specific reference to those who choose not to be vaccinated because of their young age or religious beliefs. The complainant believes that such a reference may be construed as indirect discrimination in the context of lower rates of Covid-19 vaccine uptake among groups protected under equality law such as ethnic minorities, certain religious affiliations, people with specific disabilities, pregnant women and younger age cohorts.

The complainant believes the interviewee's reference to people who cannot or choose not to get vaccinated as "hardcore cranks" is highly insulting.

The complainant claims that the interviewee's statement that people who are not vaccinated pose a risk to society was misleading and lacked supporting scientific evidence. The complainant believes the presenter did not correct such statements by the interviewee and ought to have done so.

The complainant believes the interview openly attacked a cohort of Irish citizens and claims that the interviewee's reference to locking people who are not vaccinated out of society could be seen as inciting hatred towards these people.

Broadcaster Response Summary

The broadcaster states the programme focused on the latest developments in relation to Covid-19 and the imminent announcement from Government on whether it intended to proceed with plans to lift remaining public health restrictions and re-open society on 22nd October 2021. In this context, the broadcaster believes the discussion on vaccination and those not availing of vaccination was editorially legitimate, particularly given the consensus of public health advice that vaccination helps reduce the severity of illness and potential mortality from Covid-19 infection. The broadcaster notes

that it is an established principle that broadcasters can, and should, give due weight to the consensus of scientific, medical, and public knowledge on issues such as this.

The broadcaster notes the interviewee was one of several contributors to the programme and that the broadcast provided a range of views on the subject from the panel and audience members.

The broadcaster is of the view that there is no basis for any complaint that the interview caused "harm" and the broadcaster is satisfied that, while the interviewee's views were robustly expressed and challenged, the content did not constitute "undue offence", nor could it be construed as inciting hatred against any person or group.

The broadcaster believes the interviewee's view that there should be restrictions on people who are not vaccinated is an entirely legitimate view to hold, given the public health advice at the time, and notes that this view was shared by 69% of respondents to a poll referenced in the broadcast.

The broadcaster notes that the presenter challenged the interviewee's argument in favour of not "forcing" people to take vaccines but to "compel" them by imposing restrictions if they choose not to be vaccinated.

The broadcaster states that it is factually incorrect that the interviewee spoke about people not getting vaccinated because of their religious beliefs, but rather he expressed a view that some people have an almost religious belief in theories that set them against the scientific consensus. The broadcaster also states that it is incorrect that the interviewee targeted young people but rather he mentioned young people and "healthy" people as examples of groups who *may* feel it is not in their interests to get the vaccine.

The broadcaster believes the programme was fully compliant with all the 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 Codes, the Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The broadcast was a discussion with several interviewees and studio audience contributors on the latest developments in relation to Covid-19 and in the context of the Government's intention to lift public health restrictions on 22nd October 2021. The broadcast included some poll results on matters related to vaccinations and restrictions. The complaint is concerned mainly with the interview with journalist, Joe O'Shea.

The complaint was submitted under rule 4.1 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which 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 Committee first considered whether any of the interview with the journalist was misleading and required correction for the audience, as claimed in the complaint. The Committee noted the interview was introduced by the presenter following the results of a poll showing 69% of respondents in favour of increased restrictions on people who are not vaccinated. The presenter asked the interviewee why he, like those respondents, favoured more restrictions for people who are not vaccinated. The interviewee set out his view that people should be compelled to have a Covid-19 vaccine by excluding unvaccinated people from public spaces. The presenter asked the interviewee whether he was advocated forcing people to have a vaccine and noted that people have a right to decide to take a vaccine. The interviewee said he was not in favour of forcing people to have a vaccine, but if people decided not to have a vaccine, the consequence for them ought to be exclusion from public spaces because of the risk unvaccinated people pose "to our society, to our people, to our loved ones". Later in the programme, the presenter put the interviewee's views to another contributor, a Professor of Immunology, to respond. She spoke about addressing the reasons why people chosen not to have a vaccine, listening to their concerns and finding ways to encourage people to come forward to be vaccinated.

The Committee was satisfied the opinions of the interviewee were clearly presented as such and the presenter appropriately challenged these views and sought the opinions of another contributor on them. The Committee did not believe the audience would have been misled on the issues under discussion and was satisfied the subject was presented in an objective and impartial manner, which was fair to all interests concerned.

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether references to young people or people of religious beliefs in the broadcast had infringed the above provisions of the Code of Programme Standards, as claimed in the complaint. The Committee noted the interviewee's reference to young people was in the context of explaining why some people may be choosing not to be vaccinated. The interview said,

> ***"We have to start compelling people, because a lot of them seem to think that because it's not affecting me directly, because maybe I'm young or maybe I'm healthy or maybe I believe some post that I've seen on Facebook saying Bill Gates wants me to get vaccinated so he can turn me into a robot...that we have to start making their lives complicated as well".***

The Committee noted the interviewee's reference to religious beliefs related to people refusing to believe the evidence and advice of scientific and medical experts in relation to Covid-19 vaccines. The interviewee said,

> ***"...there are no scientific arguments to be made for not getting vaccinated. I'm not a virologist but the 'anti-vaxxers' aren't virologists either. There's no debate because you can't debate somebody who believes in a religious belief almost, a cult-like thing of, you know, well, 'I'm***

just not going to get vaccinated and I'm not going to listen to my doctor, I'm not going to listen to the overwhelming evidence and opinion of the world's leading scientists'. You can't debate with them. At this stage, we're talking about almost hard-core cranks."

The Committee found no grounds to believe the above references to young people and religious beliefs amounted to stigmatising, supporting or condoning discrimination or inciting hatred against these groups in society.

The Committee considered whether the language used by the interviewee infringed the requirements of the Code of Programme Standards, in particular the reference to "hardcore cranks". The Committee noted the interviewee did not use this term to describe all unvaccinated people, as suggested in the complaint, but just those who do not believe in the evidence and advice of scientific and medical experts in relation to the vaccines. The Committee noted these people do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee accepted the term may have caused offence to the complainant but did not believe it caused undue offence, considering the moderate manner in which the interview was conducted and taking into account the nature of the programme and audience expectations.

The Committee considered whether the interviewee's expressed opinion that people who are not vaccinated should face increased restrictions constituted incitement to hatred against unvaccinated people. The Committee noted that people who are not vaccinated do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee also noted that having different public health restrictions in place for unvaccinated people had been a matter of Government policy and it is editorially legitimate and serves the public interest to broadcast discussion and debate about such matters of public policy. The Committee found no evidence in the broadcast of incitement to hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5581**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Claire Byrne Live
Broadcast Date	18th October 2021
Broadcast Time	22:30
Programme Description	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 - rule 4.1; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principle 5.

Complaint Summary

The complaint concerns an interview with journalist, Joe O'Shea, about people choosing not to have a Covid-19 vaccination and possible public policy options in relation to this.

The complainant states that during the discussion, the interviewee made specific reference to those who choose not to be vaccinated because of their young age or religious beliefs. The complainant believes that such a reference may be construed as indirect discrimination in the context of lower rates of Covid-19 vaccine uptake among groups protected under equality law such as ethnic minorities, certain religious affiliations, people with specific disabilities, pregnant women and younger age cohorts.

The complainant believes the interviewee's reference to people who cannot or choose not to get vaccinated as "hardcore cranks" is highly insulting.

The complainant claims that the interviewee's statement that people who are not vaccinated pose a risk to society was misleading and lacked supporting scientific evidence. The complainant believes the presenter did not correct such statements by the interviewee and ought to have done so.

The complainant believes the interview openly attacked a cohort of Irish citizens and claims that the interviewee's reference to locking people who are not vaccinated out of society could be seen as inciting hatred towards these people.

Broadcaster Response Summary

The broadcaster states the programme focused on the latest developments in relation to Covid-19 and the imminent announcement from Government on whether it intended to proceed with plans to lift remaining public health restrictions and re-open society on 22nd October 2021. In this context, the broadcaster believes the discussion on vaccination and those not availing of vaccination was editorially legitimate, particularly given the consensus of public health advice that vaccination helps reduce the severity of illness and potential mortality from Covid-19 infection. The broadcaster notes

that it is an established principle that broadcasters can, and should, give due weight to the consensus of scientific, medical, and public knowledge on issues such as this.

The broadcaster notes the interviewee was one of several contributors to the programme and that the broadcast provided a range of views on the subject from the panel and audience members.

The broadcaster is of the view that there is no basis for any complaint that the interview caused "harm" and the broadcaster is satisfied that, while the interviewee's views were robustly expressed and challenged, the content did not constitute "undue offence", nor could it be construed as inciting hatred against any person or group.

The broadcaster believes the interviewee's view that there should be restrictions on people who are not vaccinated is an entirely legitimate view to hold, given the public health advice at the time, and notes that this view was shared by 69% of respondents to a poll referenced in the broadcast.

The broadcaster notes that the presenter challenged the interviewee's argument in favour of not "forcing" people to take vaccines but to "compel" them by imposing restrictions if they choose not to be vaccinated.

The broadcaster states that it is factually incorrect that the interviewee spoke about people not getting vaccinated because of their religious beliefs, but rather he expressed a view that some people have an almost religious belief in theories that set them against the scientific consensus. The broadcaster also states that it is incorrect that the interviewee targeted young people but rather he mentioned young people and "healthy" people as examples of groups who *may* feel it is not in their interests to get the vaccine.

The broadcaster believes the programme was fully compliant with all the 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 Codes, the Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The broadcast was a discussion with several interviewees and studio audience contributors on the latest developments in relation to Covid-19 and in the context of the Government's intention to lift public health restrictions on 22nd October 2021. The broadcast included some poll results on matters related to vaccinations and restrictions. The complaint is concerned mainly with the interview with journalist, Joe O'Shea.

The complaint was submitted under rule 4.1 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which 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 Committee first considered whether any of the interview with the journalist was misleading and required correction for the audience, as claimed in the complaint. The Committee noted the interview was introduced by the presenter following the results of a poll showing 69% of respondents in favour of increased restrictions on people who are not vaccinated. The presenter asked the interviewee why he, like those respondents, favoured more restrictions for people who are not vaccinated. The interviewee set out his view that people should be compelled to have a Covid-19 vaccine by excluding unvaccinated people from public spaces. The presenter asked the interviewee whether he was advocated forcing people to have a vaccine and noted that people have a right to decide to take a vaccine. The interviewee said he was not in favour of forcing people to have a vaccine, but if people decided not to have a vaccine, the consequence for them ought to be exclusion from public spaces because of the risk unvaccinated people pose "to our society, to our people, to our loved ones". Later in the programme, the presenter put the interviewee's views to another contributor, a Professor of Immunology, to respond. She spoke about addressing the reasons why people chosen not to have a vaccine, listening to their concerns and finding ways to encourage people to come forward to be vaccinated.

The Committee was satisfied the opinions of the interviewee were clearly presented as such and the presenter appropriately challenged these views and sought the opinions of another contributor on them. The Committee did not believe the audience would have been misled on the issues under discussion and was satisfied the subject was presented in an objective and impartial manner, which was fair to all interests concerned.

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether references to young people or people of religious beliefs in the broadcast had infringed the above provisions of the Code of Programme Standards, as claimed in the complaint. The Committee noted the interviewee's reference to young people was in the context of explaining why some people may be choosing not to be vaccinated. The interview said,

> ***"We have to start compelling people, because a lot of them seem to think that because it's not affecting me directly, because maybe I'm young or maybe I'm healthy or maybe I believe some post that I've seen on Facebook saying Bill Gates wants me to get vaccinated so he can turn me into a robot...that we have to start making their lives complicated as well".***

The Committee noted the interviewee's reference to religious beliefs related to people refusing to believe the evidence and advice of scientific and medical experts in relation to Covid-19 vaccines. The interviewee said,

> ***"...there are no scientific arguments to be made for not getting vaccinated. I'm not a virologist but the 'anti-vaxxers' aren't virologists either. There's no debate because you can't debate somebody who believes in a religious belief almost, a cult-like thing of, you know, well, 'I'm***

just not going to get vaccinated and I'm not going to listen to my doctor, I'm not going to listen to the overwhelming evidence and opinion of the world's leading scientists'. You can't debate with them. At this stage, we're talking about almost hard-core cranks."

The Committee found no grounds to believe the above references to young people and religious beliefs amounted to stigmatising, supporting or condoning discrimination or inciting hatred against these groups in society.

The Committee considered whether the language used by the interviewee infringed the requirements of the Code of Programme Standards, in particular the reference to "hardcore cranks". The Committee noted the interviewee did not use this term to describe all unvaccinated people, as suggested in the complaint, but just those who do not believe in the evidence and advice of scientific and medical experts in relation to the vaccines. The Committee noted these people do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee accepted the term may have caused offence to the complainant but did not believe it caused undue offence, considering the moderate manner in which the interview was conducted and taking into account the nature of the programme and audience expectations.

The Committee considered whether the interviewee's expressed opinion that people who are not vaccinated should face increased restrictions constituted incitement to hatred against unvaccinated people. The Committee noted that people who are not vaccinated do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee also noted that having different public health restrictions in place for unvaccinated people had been a matter of Government policy and it is editorially legitimate and serves the public interest to broadcast discussion and debate about such matters of public policy. The Committee found no evidence in the broadcast of incitement to hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5583**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Claire Byrne Live
Broadcast Date	18th October 2021
Broadcast Time	22:30
Programme Description	Current affairs
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, 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); and, BAI Code of Programme Standards – Principle 5.

Complaint Summary

The complaint concerns an interview with journalist, Joe O'Shea, about people choosing not to have a Covid-19 vaccination and possible public policy options in relation to this.

The complainant states that during the discussion, the interviewee made specific reference to those who choose not to be vaccinated because of their young age or religious beliefs. The complainant believes that such a reference may be construed as indirect discrimination in the context of lower rates of Covid-19 vaccine uptake among groups protected under equality law such as ethnic minorities, certain religious affiliations, people with specific disabilities, pregnant women and younger age cohorts.

The complainant believes the interviewee's reference to people who cannot or choose not to get vaccinated as "hardcore cranks" is highly insulting.

The complainant claims that the interviewee's statement that people who are not vaccinated pose a risk to society was misleading and lacked supporting scientific evidence. The complainant believes the presenter did not correct such statements by the interviewee and ought to have done so.

The complainant believes the interview openly attacked a cohort of Irish citizens and claims that the interviewee's reference to locking people who are not vaccinated out of society could be seen as inciting hatred towards these people.

Broadcaster Response Summary The broadcaster states the programme focused on the latest developments in relation to Covid-19 and the imminent announcement from Government on whether it intended to proceed with plans to lift remaining public health restrictions and re-open society on 22nd October 2021. In this context, the broadcaster believes the discussion on vaccination and those not availing of vaccination was editorially legitimate, particularly given the consensus of public health advice that vaccination helps reduce the severity of illness and potential mortality from Covid-19 infection. The broadcaster notes

that it is an established principle that broadcasters can, and should, give due weight to the consensus of scientific, medical, and public knowledge on issues such as this.

The broadcaster notes the interviewee was one of several contributors to the programme and that the broadcast provided a range of views on the subject from the panel and audience members.

The broadcaster is of the view that there is no basis for any complaint that the interview caused "harm" and the broadcaster is satisfied that, while the interviewee's views were robustly expressed and challenged, the content did not constitute "undue offence", nor could it be construed as inciting hatred against any person or group.

The broadcaster believes the interviewee's view that there should be restrictions on people who are not vaccinated is an entirely legitimate view to hold, given the public health advice at the time, and notes that this view was shared by 69% of respondents to a poll referenced in the broadcast.

The broadcaster notes that the presenter challenged the interviewee's argument in favour of not "forcing" people to take vaccines but to "compel" them by imposing restrictions if they choose not to be vaccinated.

The broadcaster states that it is factually incorrect that the interviewee spoke about people not getting vaccinated because of their religious beliefs, but rather he expressed a view that some people have an almost religious belief in theories that set them against the scientific consensus. The broadcaster also states that it is incorrect that the interviewee targeted young people but rather he mentioned young people and "healthy" people as examples of groups who *may* feel it is not in their interests to get the vaccine.

The broadcaster believes the programme was fully compliant with all the 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 Codes, the Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The broadcast was a discussion with several interviewees and studio audience contributors on the latest developments in relation to Covid-19 and in the context of the Government's intention to lift public health restrictions on 22nd October 2021. The broadcast included some poll results on matters related to vaccinations and restrictions. The complaint is concerned mainly with the interview with journalist, Joe O'Shea.

The complaint was submitted under rule 4.1 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which 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 Committee first considered whether any of the interview with the journalist was misleading and required correction for the audience, as claimed in the complaint. The Committee noted the interview was introduced by the presenter following the results of a poll showing 69% of respondents in favour of increased restrictions on people who are not vaccinated. The presenter asked the interviewee why he, like those respondents, favoured more restrictions for people who are not vaccinated. The interviewee set out his view that people should be compelled to have a Covid-19 vaccine by excluding unvaccinated people from public spaces. The presenter asked the interviewee whether he was advocated forcing people to have a vaccine and noted that people have a right to decide to take a vaccine. The interviewee said he was not in favour of forcing people to have a vaccine, but if people decided not to have a vaccine, the consequence for them ought to be exclusion from public spaces because of the risk unvaccinated people pose "to our society, to our people, to our loved ones". Later in the programme, the presenter put the interviewee's views to another contributor, a Professor of Immunology, to respond. She spoke about addressing the reasons why people chosen not to have a vaccine, listening to their concerns and finding ways to encourage people to come forward to be vaccinated.

The Committee was satisfied the opinions of the interviewee were clearly presented as such and the presenter appropriately challenged these views and sought the opinions of another contributor on them. The Committee did not believe the audience would have been misled on the issues under discussion and was satisfied the subject was presented in an objective and impartial manner, which was fair to all interests concerned.

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether references to young people or people of religious beliefs in the broadcast had infringed the above provisions of the Code of Programme Standards, as claimed in the complaint. The Committee noted the interviewee's reference to young people was in the context of explaining why some people may be choosing not to be vaccinated. The interview said,

> ***"We have to start compelling people, because a lot of them seem to think that because it's not affecting me directly, because maybe I'm young or maybe I'm healthy or maybe I believe some post that I've seen on Facebook saying Bill Gates wants me to get vaccinated so he can turn me into a robot...that we have to start making their lives complicated as well".***

The Committee noted the interviewee's reference to religious beliefs related to people refusing to believe the evidence and advice of scientific and medical experts in relation to Covid-19 vaccines. The interviewee said,

> ***"...there are no scientific arguments to be made for not getting vaccinated. I'm not a virologist but the 'anti-vaxxers' aren't virologists either. There's no debate because you can't debate somebody who believes in a religious belief almost, a cult-like thing of, you know, well, 'I'm***

just not going to get vaccinated and I'm not going to listen to my doctor, I'm not going to listen to the overwhelming evidence and opinion of the world's leading scientists'. You can't debate with them. At this stage, we're talking about almost hard-core cranks."

The Committee found no grounds to believe the above references to young people and religious beliefs amounted to stigmatising, supporting or condoning discrimination or inciting hatred against these groups in society.

The Committee considered whether the language used by the interviewee infringed the requirements of the Code of Programme Standards, in particular the reference to "hardcore cranks". The Committee noted the interviewee did not use this term to describe all unvaccinated people, as suggested in the complaint, but just those who do not believe in the evidence and advice of scientific and medical experts in relation to the vaccines. The Committee noted these people do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee accepted the term may have caused offence to the complainant but did not believe it caused undue offence, considering the moderate manner in which the interview was conducted and taking into account the nature of the programme and audience expectations.

The Committee considered whether the interviewee's expressed opinion that people who are not vaccinated should face increased restrictions constituted incitement to hatred against unvaccinated people. The Committee noted that people who are not vaccinated do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee also noted that having different public health restrictions in place for unvaccinated people had been a matter of Government policy and it is editorially legitimate and serves the public interest to broadcast discussion and debate about such matters of public policy. The Committee found no evidence in the broadcast of incitement to hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5584**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Claire Byrne Live
Broadcast Date	18th October 2021
Broadcast Time	22:30
Programme Description	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 - rule 4.1; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principle 5.

Complaint Summary

The complaint concerns an interview with journalist, Joe O'Shea, about people choosing not to have a Covid-19 vaccination and possible public policy options in relation to this.

The complainant states that during the discussion, the interviewee made specific reference to those who choose not to be vaccinated because of their young age or religious beliefs. The complainant believes that such a reference may be construed as indirect discrimination in the context of lower rates of Covid-19 vaccine uptake among groups protected under equality law such as ethnic minorities, certain religious affiliations, people with specific disabilities, pregnant women and younger age cohorts.

The complainant believes the interviewee's reference to people who cannot or choose not to get vaccinated as "hardcore cranks" is highly insulting.

The complainant claims that the interviewee's statement that people who are not vaccinated pose a risk to society was misleading and lacked supporting scientific evidence. The complainant believes the presenter did not correct such statements by the interviewee and ought to have done so.

The complainant believes the interview openly attacked a cohort of Irish citizens and claims that the interviewee's reference to locking people who are not vaccinated out of society could be seen as inciting hatred towards these people.

Broadcaster Response Summary The broadcaster states the programme focused on the latest developments in relation to Covid-19 and the imminent announcement from Government on whether it intended to proceed with plans to lift remaining public health restrictions and re-open society on 22nd October 2021. In this context, the broadcaster believes the discussion on vaccination and those not availing of vaccination was editorially legitimate, particularly given the consensus of public health advice that vaccination helps reduce the severity of illness and potential mortality from Covid-19 infection. The broadcaster notes

that it is an established principle that broadcasters can, and should, give due weight to the consensus of scientific, medical, and public knowledge on issues such as this.

The broadcaster notes the interviewee was one of several contributors to the programme and that the broadcast provided a range of views on the subject from the panel and audience members.

The broadcaster is of the view that there is no basis for any complaint that the interview caused "harm" and the broadcaster is satisfied that, while the interviewee's views were robustly expressed and challenged, the content did not constitute "undue offence", nor could it be construed as inciting hatred against any person or group.

The broadcaster believes the interviewee's view that there should be restrictions on people who are not vaccinated is an entirely legitimate view to hold, given the public health advice at the time, and notes that this view was shared by 69% of respondents to a poll referenced in the broadcast.

The broadcaster notes that the presenter challenged the interviewee's argument in favour of not "forcing" people to take vaccines but to "compel" them by imposing restrictions if they choose not to be vaccinated.

The broadcaster states that it is factually incorrect that the interviewee spoke about people not getting vaccinated because of their religious beliefs, but rather he expressed a view that some people have an almost religious belief in theories that set them against the scientific consensus. The broadcaster also states that it is incorrect that the interviewee targeted young people but rather he mentioned young people and "healthy" people as examples of groups who *may* feel it is not in their interests to get the vaccine.

The broadcaster believes the programme was fully compliant with all the 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 Codes, the Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The broadcast was a discussion with several interviewees and studio audience contributors on the latest developments in relation to Covid-19 and in the context of the Government's intention to lift public health restrictions on 22nd October 2021. The broadcast included some poll results on matters related to vaccinations and restrictions. The complaint is concerned mainly with the interview with journalist, Joe O'Shea.

The complaint was submitted under rule 4.1 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which 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 Committee first considered whether any of the interview with the journalist was misleading and required correction for the audience, as claimed in the complaint. The Committee noted the interview was introduced by the presenter following the results of a poll showing 69% of respondents in favour of increased restrictions on people who are not vaccinated. The presenter asked the interviewee why he, like those respondents, favoured more restrictions for people who are not vaccinated. The interviewee set out his view that people should be compelled to have a Covid-19 vaccine by excluding unvaccinated people from public spaces. The presenter asked the interviewee whether he was advocated forcing people to have a vaccine and noted that people have a right to decide to take a vaccine. The interviewee said he was not in favour of forcing people to have a vaccine, but if people decided not to have a vaccine, the consequence for them ought to be exclusion from public spaces because of the risk unvaccinated people pose "to our society, to our people, to our loved ones". Later in the programme, the presenter put the interviewee's views to another contributor, a Professor of Immunology, to respond. She spoke about addressing the reasons why people chosen not to have a vaccine, listening to their concerns and finding ways to encourage people to come forward to be vaccinated.

The Committee was satisfied the opinions of the interviewee were clearly presented as such and the presenter appropriately challenged these views and sought the opinions of another contributor on them. The Committee did not believe the audience would have been misled on the issues under discussion and was satisfied the subject was presented in an objective and impartial manner, which was fair to all interests concerned.

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether references to young people or people of religious beliefs in the broadcast had infringed the above provisions of the Code of Programme Standards, as claimed in the complaint. The Committee noted the interviewee's reference to young people was in the context of explaining why some people may be choosing not to be vaccinated. The interview said,

> ***"We have to start compelling people, because a lot of them seem to think that because it's not affecting me directly, because maybe I'm young or maybe I'm healthy or maybe I believe some post that I've seen on Facebook saying Bill Gates wants me to get vaccinated so he can turn me into a robot...that we have to start making their lives complicated as well".***

The Committee noted the interviewee's reference to religious beliefs related to people refusing to believe the evidence and advice of scientific and medical experts in relation to Covid-19 vaccines. The interviewee said,

> ***"...there are no scientific arguments to be made for not getting vaccinated. I'm not a virologist but the 'anti-vaxxers' aren't virologists either. There's no debate because you can't debate somebody who believes in a religious belief almost, a cult-like thing of, you know, well, 'I'm***

just not going to get vaccinated and I'm not going to listen to my doctor, I'm not going to listen to the overwhelming evidence and opinion of the world's leading scientists'. You can't debate with them. At this stage, we're talking about almost hard-core cranks."

The Committee found no grounds to believe the above references to young people and religious beliefs amounted to stigmatising, supporting or condoning discrimination or inciting hatred against these groups in society.

The Committee considered whether the language used by the interviewee infringed the requirements of the Code of Programme Standards, in particular the reference to "hardcore cranks". The Committee noted the interviewee did not use this term to describe all unvaccinated people, as suggested in the complaint, but just those who do not believe in the evidence and advice of scientific and medical experts in relation to the vaccines. The Committee noted these people do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee accepted the term may have caused offence to the complainant but did not believe it caused undue offence, considering the moderate manner in which the interview was conducted and taking into account the nature of the programme and audience expectations.

The Committee considered whether the interviewee's expressed opinion that people who are not vaccinated should face increased restrictions constituted incitement to hatred against unvaccinated people. The Committee noted that people who are not vaccinated do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee also noted that having different public health restrictions in place for unvaccinated people had been a matter of Government policy and it is editorially legitimate and serves the public interest to broadcast discussion and debate about such matters of public policy. The Committee found no evidence in the broadcast of incitement to hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

~Complaint Reference Number	**C5586**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Claire Byrne Live
Broadcast Date	18th October 2021
Broadcast Time	22:30
Programme Description	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 and 4.2; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principle 5.

Complaint Summary

The complaint concerns an interview with journalist, Joe O'Shea, about people choosing not to have a Covid-19 vaccination and possible public policy options in relation to this.

The complainant states that during the discussion, the interviewee made several statements which the complainant believes constitute hate speech, incitement to divide society and persecute and isolate people who have not had a Covid-19 vaccine. The complaint provides examples of such statements, which may be summarised as:

- Allusions to people who are not vaccinated believing social media posts with conspiracy theories about Bill Gates and Covid-19 vaccines;
- References to people who choose not to take the vaccine as "hardcore cranks".
- Suggesting that people who choose not to take the vaccine cannot be debated with because their views on the subject are like a religious belief or a "cult-like thing;
- Expressing his own anger with people who choose not to be vaccinated and expressing his view that there should be restrictions for those people because of the risk they pose "to our society, to our people, to our loved ones".

The complainant also states that the interviewee's comment that there are no scientific arguments to be made for not getting vaccinated is false and misleading.

The complainant believes the interviewee is prejudiced against people who are not vaccinated, which meant the broadcast could not be presented in an objective and impartial manner. The complainant states that the interviewee's view that people who are not vaccinated should be "compelled" to stay at home and be isolated from the rest of society because they place others at risk, is based on personal bias and is not grounded in scientific evidence. The complainant believes that the broadcaster should not have broadcast such a view.

Broadcaster Response Summary

The broadcaster states the programme focused on the latest developments in relation to Covid-19 and the imminent announcement from Government on whether it intended to proceed with plans to lift remaining public health restrictions and re-open society on 22nd October 2021. In this context, the broadcaster believes the discussion on vaccination and those not availing of vaccination was editorially legitimate, particularly given the consensus of public health advice that vaccination helps reduce the severity of illness and potential mortality from Covid-19 infection. The broadcaster notes that it is an established principle that broadcasters can, and should, give due weight to the consensus of scientific, medical, and public knowledge on issues such as this.

The broadcaster notes the interviewee was one of several contributors to the programme and that the broadcast provided a range of views on the subject from the panel and audience members.

The broadcaster is satisfied that, while the interviewee's views were robustly expressed and challenged, the content did not constitute "undue offence" or incitement to hatred or discrimination against any group.

The broadcaster believes the interviewee's view that there should be restrictions on people who are not vaccinated is an entirely legitimate view to hold, given the public health advice at the time, and notes that this view was shared by 69% of respondents to a poll referenced in the broadcast.

The broadcaster notes that the presenter challenged the interviewee's argument in favour of not "forcing" people to take vaccines but to "compel" them by imposing restrictions if they choose not to be vaccinated.

The broadcaster states that it is factually incorrect that the interviewee spoke about people not getting vaccinated because of their religious beliefs, but rather he expressed a view that some people have an almost religious belief in theories that set them against the scientific consensus. The broadcaster also states that it is incorrect that the interviewee targeted young people but rather he mentioned young people and "healthy" people as examples of groups who *may* feel it is not in their interests to get the vaccine.

The broadcaster believes the programme was fully compliant with all the 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 Codes, the Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The broadcast was a discussion with several interviewees and studio audience contributors on the latest developments in relation to Covid-19 and in the context of the Government's intention to lift public health restrictions on 22nd October 2021. The broadcast included some poll results on matters related to vaccinations and restrictions. The complaint is concerned mainly with the interview with journalist, Joe O'Shea.

The complaint was submitted 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. 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 considered whether any of the interview with the journalist was misleading and demonstrated bias. The Committee noted the interview was introduced by the presenter following the results of a poll showing 69% of respondents in favour of increased restrictions on people who are not vaccinated. The presenter asked the interviewee why he, like those respondents, favoured more restrictions for people who are not vaccinated. The interviewee set out his view that there are no scientific arguments for people not to be vaccinated and people should be compelled to have a Covid-19 vaccine by excluding unvaccinated people from public spaces. The presenter asked the interviewee whether he was advocated forcing people to have a vaccine and noted that people have a right to decide to take a vaccine. The interviewee said he was not in favour of forcing people to have a vaccine, but if people decided not to have a vaccine, the consequence for them ought to be exclusion from public spaces because of the risk unvaccinated people pose "to our society, to our people, to our loved ones". Later in the programme, the presenter put the interviewee's views to another contributor, a Professor of Immunology, to respond. She spoke about addressing the reasons why people chosen not to have a vaccine, listening to their concerns and finding ways to encourage people to come forward to be vaccinated.

The Committee noted the Code is not intended to preclude the expression of opinion by contributors to current affairs programmes and the rules limiting the expression of opinion are confined to just the presenters of news and current affairs. The Committee was satisfied the opinions of the interviewee were clearly presented as such and the presenter appropriately challenged these views and sought the opinions of another contributor on them. The Committee did not believe the audience would have been misled on the issues under discussion and was satisfied the subject was presented in an objective and impartial manner and was fair to all interests concerned.

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the views and language used by the interviewee about people who choose not to have a Covid-19 vaccine infringed the above provisions of the Code of Programme Standards. The Committee noted the interviewee offered his views on the reasons why some people are choosing not to have a vaccine and he alluded to some people believing a conspiracy theory about the vaccines and Bill Gates circulating on social media. The interviewee also suggested that some people could not be persuaded to have the vaccine because of a "religious belief almost, a cult-like thing" in not accepting the evidence and advice of scientific and medical experts in relation

to Covid-19 vaccines. The interviewee referred to these people as “hardcore cranks”. The interviewee commented that he was not in favour of forcing people to have a vaccine, but rather the consequence of that decision, in his view, must be the exclusion those people from public spaces because of the risk they pose “to our society, to our people, to our loved ones”.

The Committee found no basis to deem an opinion that some people choose not to have a Covid-19 vaccine because they believe in conspiracy theories as discriminatory or inciting hatred.

The Committee noted the “hardcore cranks” terms was not used describe all unvaccinated people, but just those who do not believe in the evidence and advice of scientific and medical experts in relation to the vaccines. The Committee noted these people do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee accepted the term may have caused offence to the complainant but did not believe it caused undue offence, considering the moderate manner in which the interview was conducted and taking into account the nature of the programme and audience expectations.

The Committee considered whether the interviewee’s expressed opinion that people who are not vaccinated should face increased restrictions constituted an infringement of the Code of Programme Standards. The Committee noted that people who are not vaccinated do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee also noted that it had been Government policy to have different public health restrictions in place for unvaccinated people and it is editorially legitimate and serves the public interest to broadcast discussion and debate about such matters of public policy. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5587**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Claire Byrne Live
Broadcast Date	18th October 2021
Broadcast Time	22:30
Programme Description	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 - rule 4.1; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principle 5.

Complaint Summary

The complaint concerns an interview with journalist, Joe O'Shea, about people choosing not to have a Covid-19 vaccination and possible public policy options in relation to this.

The complainant states that during the discussion, the interviewee made specific reference to those who choose not to be vaccinated because of their young age or religious beliefs. The complainant believes that such a reference may be construed as indirect discrimination in the context of lower rates of Covid-19 vaccine uptake among groups protected under equality law such as ethnic minorities, certain religious affiliations, people with specific disabilities, pregnant women and younger age cohorts.

The complainant believes the interviewee's reference to people who cannot or choose not to get vaccinated as "hardcore cranks" is highly insulting.

The complainant claims that the interviewee's statement that people who are not vaccinated pose a risk to society was misleading and lacked supporting scientific evidence. The complainant believes the presenter did not correct such statements by the interviewee and ought to have done so.

The complainant believes the interview openly attacked a cohort of Irish citizens and claims that the interviewee's reference to locking people who are not vaccinated out of society could be seen as inciting hatred towards these people.

Broadcaster Response Summary

The broadcaster states the programme focused on the latest developments in relation to Covid-19 and the imminent announcement from Government on whether it intended to proceed with plans to lift remaining public health restrictions and re-open society on 22nd October 2021. In this context, the broadcaster believes the discussion on vaccination and those not availing of vaccination was editorially legitimate, particularly given the consensus of public health advice that vaccination helps reduce the severity of illness and potential mortality from Covid-19 infection. The broadcaster notes

that it is an established principle that broadcasters can, and should, give due weight to the consensus of scientific, medical, and public knowledge on issues such as this.

The broadcaster notes the interviewee was one of several contributors to the programme and that the broadcast provided a range of views on the subject from the panel and audience members.

The broadcaster is of the view that there is no basis for any complaint that the interview caused "harm" and the broadcaster is satisfied that, while the interviewee's views were robustly expressed and challenged, the content did not constitute "undue offence", nor could it be construed as inciting hatred against any person or group.

The broadcaster believes the interviewee's view that there should be restrictions on people who are not vaccinated is an entirely legitimate view to hold, given the public health advice at the time, and notes that this view was shared by 69% of respondents to a poll referenced in the broadcast.

The broadcaster notes that the presenter challenged the interviewee's argument in favour of not "forcing" people to take vaccines but to "compel" them by imposing restrictions if they choose not to be vaccinated.

The broadcaster states that it is factually incorrect that the interviewee spoke about people not getting vaccinated because of their religious beliefs, but rather he expressed a view that some people have an almost religious belief in theories that set them against the scientific consensus. The broadcaster also states that it is incorrect that the interviewee targeted young people but rather he mentioned young people and "healthy" people as examples of groups who *may* feel it is not in their interests to get the vaccine.

The broadcaster believes the programme was fully compliant with all the 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 Codes, the Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The broadcast was a discussion with several interviewees and studio audience contributors on the latest developments in relation to Covid-19 and in the context of the Government's intention to lift public health restrictions on 22nd October 2021. The broadcast included some poll results on matters related to vaccinations and restrictions. The complaint is concerned mainly with the interview with journalist, Joe O'Shea.

The complaint was submitted under rule 4.1 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which 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 Committee first considered whether any of the interview with the journalist was misleading and required correction for the audience, as claimed in the complaint. The Committee noted the interview was introduced by the presenter following the results of a poll showing 69% of respondents in favour of increased restrictions on people who are not vaccinated. The presenter asked the interviewee why he, like those respondents, favoured more restrictions for people who are not vaccinated. The interviewee set out his view that people should be compelled to have a Covid-19 vaccine by excluding unvaccinated people from public spaces. The presenter asked the interviewee whether he was advocated forcing people to have a vaccine and noted that people have a right to decide to take a vaccine. The interviewee said he was not in favour of forcing people to have a vaccine, but if people decided not to have a vaccine, the consequence for them ought to be exclusion from public spaces because of the risk unvaccinated people pose "to our society, to our people, to our loved ones". Later in the programme, the presenter put the interviewee's views to another contributor, a Professor of Immunology, to respond. She spoke about addressing the reasons why people chosen not to have a vaccine, listening to their concerns and finding ways to encourage people to come forward to be vaccinated.

The Committee was satisfied the opinions of the interviewee were clearly presented as such and the presenter appropriately challenged these views and sought the opinions of another contributor on them. The Committee did not believe the audience would have been misled on the issues under discussion and was satisfied the subject was presented in an objective and impartial manner, which was fair to all interests concerned.

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether references to young people or people of religious beliefs in the broadcast had infringed the above provisions of the Code of Programme Standards, as claimed in the complaint. The Committee noted the interviewee's reference to young people was in the context of explaining why some people may be choosing not to be vaccinated. The interview said,

> ***"We have to start compelling people, because a lot of them seem to think that because it's not affecting me directly, because maybe I'm young or maybe I'm healthy or maybe I believe some post that I've seen on Facebook saying Bill Gates wants me to get vaccinated so he can turn me into a robot...that we have to start making their lives complicated as well".***

The Committee noted the interviewee's reference to religious beliefs related to people refusing to believe the evidence and advice of scientific and medical experts in relation to Covid-19 vaccines. The interviewee said,

> ***"...there are no scientific arguments to be made for not getting vaccinated. I'm not a virologist but the 'anti-vaxxers' aren't virologists either. There's no debate because you can't debate somebody who believes in a religious belief almost, a cult-like thing of, you know, well, 'I'm***

just not going to get vaccinated and I'm not going to listen to my doctor, I'm not going to listen to the overwhelming evidence and opinion of the world's leading scientists'. You can't debate with them. At this stage, we're talking about almost hard-core cranks."

The Committee found no grounds to believe the above references to young people and religious beliefs amounted to stigmatising, supporting or condoning discrimination or inciting hatred against these groups in society.

The Committee considered whether the language used by the interviewee infringed the requirements of the Code of Programme Standards, in particular the reference to "hardcore cranks". The Committee noted the interviewee did not use this term to describe all unvaccinated people, as suggested in the complaint, but just those who do not believe in the evidence and advice of scientific and medical experts in relation to the vaccines. The Committee noted these people do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee accepted the term may have caused offence to the complainant but did not believe it caused undue offence, considering the moderate manner in which the interview was conducted and taking into account the nature of the programme and audience expectations.

The Committee considered whether the interviewee's expressed opinion that people who are not vaccinated should face increased restrictions constituted incitement to hatred against unvaccinated people. The Committee noted that people who are not vaccinated do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee also noted that having different public health restrictions in place for unvaccinated people had been a matter of Government policy and it is editorially legitimate and serves the public interest to broadcast discussion and debate about such matters of public policy. The Committee found no evidence in the broadcast of incitement to hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5588**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Claire Byrne Live
Broadcast Date	18th October 2021
Broadcast Time	22:30
Programme Description	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 - rule 4.1; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principle 5.

Complaint Summary

The complaint concerns an interview with journalist, Joe O'Shea, about people choosing not to have a Covid-19 vaccination and possible public policy options in relation to this.

The complainant states that during the discussion, the interviewee made several statements which the complainant believes constitute hate speech, incitement to divide society and persecute and isolate people who have not had a Covid-19 vaccine. The complaint provides examples of such statements, which may be summarised as:

- Allusions to people who are not vaccinated believing social media posts with conspiracy theories about Bill Gates and Covid-19 vaccines;
- References to people who choose not to take the vaccine as "hardcore cranks".
- Suggesting that people who choose not to take the vaccine cannot be debated with because their views on the subject are like a religious belief or a "cult-like thing;
- Expressing his own anger with people who choose not to be vaccinated and expressing his view that there should be restrictions for those people because of the risk they pose "to our society, to our people, to our loved ones".

The complainant also states that the interviewee's comment that there are no scientific arguments to be made for not getting vaccinated is false and misleading.

The complainant believes the interviewee is prejudiced against people who are not vaccinated, which meant the broadcast could not be presented in an objective and impartial manner. The complainant states that the interviewee's view that people who are not vaccinated should be "compelled" to stay at home and be isolated from the rest of society because they place others at risk is based on personal bias and is not grounded in scientific evidence. The complainant believes that the broadcaster should not have broadcast such a view.

Broadcaster Response Summary

The broadcaster states the programme focused on the latest developments in relation to Covid-19 and the imminent announcement from Government on whether it intended to proceed with plans to lift remaining public health restrictions and re-open society on 22nd October 2021. In this context, the broadcaster believes the discussion on vaccination and those not availing of vaccination was editorially legitimate, particularly given the consensus of public health advice that vaccination helps reduce the severity of illness and potential mortality from Covid-19 infection. The broadcaster notes that it is an established principle that broadcasters can, and should, give due weight to the consensus of scientific, medical, and public knowledge on issues such as this.

The broadcaster notes the interviewee was one of several contributors to the programme and that the broadcast provided a range of views on the subject from the panel and audience members.

The broadcaster is satisfied that, while the interviewee's views were robustly expressed and challenged, the content did not constitute "undue offence" or incitement to hatred or discrimination against any group.

The broadcaster believes the interviewee's view that there should be restrictions on people who are not vaccinated is an entirely legitimate view to hold, given the public health advice at the time, and notes that this view was shared by 69% of respondents to a poll referenced in the broadcast.

The broadcaster notes that the presenter challenged the interviewee's argument in favour of not "forcing" people to take vaccines but to "compel" them by imposing restrictions if they choose not to be vaccinated.

The broadcaster states that it is factually incorrect that the interviewee spoke about people not getting vaccinated because of their religious beliefs, but rather he expressed a view that some people have an almost religious belief in theories that set them against the scientific consensus. The broadcaster also states that it is incorrect that the interviewee targeted young people but rather he mentioned young people and "healthy" people as examples of groups who *may* feel it is not in their interests to get the vaccine.

The broadcaster believes the programme was fully compliant with all the 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 Codes, the Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The broadcast was a discussion with several interviewees and studio audience contributors on the latest developments in relation to Covid-19 and in the context of the Government's intention to lift public health restrictions on 22nd October 2021. The broadcast included some poll results on matters related to vaccinations and restrictions. The complaint is concerned mainly with the interview with journalist, Joe O'Shea.

The complaint was submitted 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. 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 considered whether any of the interview with the journalist was misleading and demonstrated bias. The Committee noted the interview was introduced by the presenter following the results of a poll showing 69% of respondents in favour of increased restrictions on people who are not vaccinated. The presenter asked the interviewee why he, like those respondents, favoured more restrictions for people who are not vaccinated. The interviewee set out his view that there are no scientific arguments for people not to be vaccinated and people should be compelled to have a Covid-19 vaccine by excluding unvaccinated people from public spaces. The presenter asked the interviewee whether he was advocated forcing people to have a vaccine and noted that people have a right to decide to take a vaccine. The interviewee said he was not in favour of forcing people to have a vaccine, but if people decided not to have a vaccine, the consequence for them ought to be exclusion from public spaces because of the risk unvaccinated people pose "to our society, to our people, to our loved ones". Later in the programme, the presenter put the interviewee's views to another contributor, a Professor of Immunology, to respond. She spoke about addressing the reasons why people chosen not to have a vaccine, listening to their concerns and finding ways to encourage people to come forward to be vaccinated.

The Committee noted the Code is not intended to preclude the expression of opinion by contributors to current affairs programmes and the rules limiting the expression of opinion are confined to just the presenters of news and current affairs. The Committee was satisfied the opinions of the interviewee were clearly presented as such and the presenter appropriately challenged these views and sought the opinions of another contributor on them. The Committee did not believe the audience would have been misled on the issues under discussion and was satisfied the subject was presented in an objective and impartial manner and was fair to all interests concerned.

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the views and language used by the interviewee about people who choose not to have a Covid-19 vaccine infringed the above provisions of the Code of Programme Standards. The Committee noted the interviewee offered his views on the reasons why some people are choosing not to have a vaccine and he alluded to some people believing a conspiracy theory about the vaccines and Bill Gates circulating on social media. The interviewee also suggested that some people could not be persuaded to have the vaccine because of a "religious belief almost, a cult-like thing" in not accepting the evidence and advice of scientific and medical experts in relation

to Covid-19 vaccines. The interviewee referred to these people as “hardcore cranks”. The interviewee commented that he was not in favour of forcing people to have a vaccine, but rather the consequence of that decision, in his view, must be the exclusion those people from public spaces because of the risk they pose “to our society, to our people, to our loved ones”.

The Committee found no basis to deem an opinion that some people choose not to have a Covid-19 vaccine because they believe in conspiracy theories as discriminatory or inciting hatred.

The Committee noted the “hardcore cranks” terms was not used describe all unvaccinated people, but just those who do not believe in the evidence and advice of scientific and medical experts in relation to the vaccines. The Committee noted these people do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee accepted the term may have caused offence to the complainant but did not believe it caused undue offence, considering the moderate manner in which the interview was conducted and taking into account the nature of the programme and audience expectations.

The Committee considered whether the interviewee’s expressed opinion that people who are not vaccinated should face increased restrictions constituted an infringement of the Code of Programme Standards. The Committee noted that people who are not vaccinated do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee also noted that it had been Government policy to have different public health restrictions in place for unvaccinated people and it is editorially legitimate and serves the public interest to broadcast discussion and debate about such matters of public policy. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5590**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Claire Byrne Live
Broadcast Date	18th October 2021
Broadcast Time	22:30
Programme Description	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 and 4.2; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principle 5.

Complaint Summary

The complaint concerns an interview with journalist, Joe O'Shea, about people choosing not to have a Covid-19 vaccination and possible public policy options in relation to this.

The complainant states that during the discussion, the interviewee made specific reference to those who choose not to be vaccinated because of their young age or religious beliefs. The complainant believes that such a reference may be construed as indirect discrimination in the context of lower rates of Covid-19 vaccine uptake among groups protected under equality law such as ethnic minorities, certain religious affiliations, people with specific disabilities, pregnant women and younger age cohorts.

The complainant believes the interviewee's reference to people who cannot or choose not to get vaccinated as "hardcore cranks" is highly insulting.

The complainant claims that the interviewee's statement that people who are not vaccinated pose a risk to society was misleading and lacked supporting scientific evidence. The complainant believes the presenter did not correct such statements by the interviewee and ought to have done so.

The complainant believes the interview openly attacked a cohort of Irish citizens and claims that the interviewee's reference to locking people who are not vaccinated out of society could be seen as inciting hatred towards these people.

Broadcaster Response Summary

The broadcaster states the programme focused on the latest developments in relation to Covid-19 and the imminent announcement from Government on whether it intended to proceed with plans to lift remaining public health restrictions and re-open society on 22nd October 2021. In this context, the broadcaster believes the discussion on vaccination and those not availing of vaccination was editorially legitimate, particularly given the consensus of public health advice that vaccination helps reduce the severity of illness and potential mortality from Covid-19 infection. The broadcaster notes

that it is an established principle that broadcasters can, and should, give due weight to the consensus of scientific, medical, and public knowledge on issues such as this.

The broadcaster notes the interviewee was one of several contributors to the programme and that the broadcast provided a range of views on the subject from the panel and audience members.

The broadcaster is of the view that there is no basis for any complaint that the interview caused "harm" and the broadcaster is satisfied that, while the interviewee's views were robustly expressed and challenged, the content did not constitute "undue offence", nor could it be construed as inciting hatred against any person or group.

The broadcaster believes the interviewee's view that there should be restrictions on people who are not vaccinated is an entirely legitimate view to hold, given the public health advice at the time, and notes that this view was shared by 69% of respondents to a poll referenced in the broadcast.

The broadcaster notes that the presenter challenged the interviewee's argument in favour of not "forcing" people to take vaccines but to "compel" them by imposing restrictions if they choose not to be vaccinated.

The broadcaster states that it is factually incorrect that the interviewee spoke about people not getting vaccinated because of their religious beliefs, but rather he expressed a view that some people have an almost religious belief in theories that set them against the scientific consensus. The broadcaster also states that it is incorrect that the interviewee targeted young people but rather he mentioned young people and "healthy" people as examples of groups who *may* feel it is not in their interests to get the vaccine.

The broadcaster believes the programme was fully compliant with all the 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 Codes, the Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The broadcast was a discussion with several interviewees and studio audience contributors on the latest developments in relation to Covid-19 and in the context of the Government's intention to lift public health restrictions on 22nd October 2021. The broadcast included some poll results on matters related to vaccinations and restrictions. The complaint is concerned mainly with the interview with journalist, Joe O'Shea.

The complaint was submitted under rule 4.1 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which 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 Committee first considered whether any of the interview with the journalist was misleading and required correction for the audience, as claimed in the complaint. The Committee noted the interview was introduced by the presenter following the results of a poll showing 69% of respondents in favour of increased restrictions on people who are not vaccinated. The presenter asked the interviewee why he, like those respondents, favoured more restrictions for people who are not vaccinated. The interviewee set out his view that people should be compelled to have a Covid-19 vaccine by excluding unvaccinated people from public spaces. The presenter asked the interviewee whether he was advocated forcing people to have a vaccine and noted that people have a right to decide to take a vaccine. The interviewee said he was not in favour of forcing people to have a vaccine, but if people decided not to have a vaccine, the consequence for them ought to be exclusion from public spaces because of the risk unvaccinated people pose "to our society, to our people, to our loved ones". Later in the programme, the presenter put the interviewee's views to another contributor, a Professor of Immunology, to respond. She spoke about addressing the reasons why people chosen not to have a vaccine, listening to their concerns and finding ways to encourage people to come forward to be vaccinated.

The Committee was satisfied the opinions of the interviewee were clearly presented as such and the presenter appropriately challenged these views and sought the opinions of another contributor on them. The Committee did not believe the audience would have been misled on the issues under discussion and was satisfied the subject was presented in an objective and impartial manner, which was fair to all interests concerned.

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether references to young people or people of religious beliefs in the broadcast had infringed the above provisions of the Code of Programme Standards, as claimed in the complaint. The Committee noted the interviewee's reference to young people was in the context of explaining why some people may be choosing not to be vaccinated. The interview said,

> ***"We have to start compelling people, because a lot of them seem to think that because it's not affecting me directly, because maybe I'm young or maybe I'm healthy or maybe I believe some post that I've seen on Facebook saying Bill Gates wants me to get vaccinated so he can turn me into a robot...that we have to start making their lives complicated as well".***

The Committee noted the interviewee's reference to religious beliefs related to people refusing to believe the evidence and advice of scientific and medical experts in relation to Covid-19 vaccines. The interviewee said,

> ***"...there are no scientific arguments to be made for not getting vaccinated. I'm not a virologist but the 'anti-vaxxers' aren't virologists either. There's no debate because you can't debate somebody who believes in a religious belief almost, a cult-like thing of, you know, well, 'I'm***

just not going to get vaccinated and I'm not going to listen to my doctor, I'm not going to listen to the overwhelming evidence and opinion of the world's leading scientists'. You can't debate with them. At this stage, we're talking about almost hard-core cranks."

The Committee found no grounds to believe the above references to young people and religious beliefs amounted to stigmatising, supporting or condoning discrimination or inciting hatred against these groups in society.

The Committee considered whether the language used by the interviewee infringed the requirements of the Code of Programme Standards, in particular the reference to "hardcore cranks". The Committee noted the interviewee did not use this term to describe all unvaccinated people, as suggested in the complaint, but just those who do not believe in the evidence and advice of scientific and medical experts in relation to the vaccines. The Committee noted these people do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee accepted the term may have caused offence to the complainant but did not believe it caused undue offence, considering the moderate manner in which the interview was conducted and taking into account the nature of the programme and audience expectations.

The Committee considered whether the interviewee's expressed opinion that people who are not vaccinated should face increased restrictions constituted incitement to hatred against unvaccinated people. The Committee noted that people who are not vaccinated do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee also noted that having different public health restrictions in place for unvaccinated people had been a matter of Government policy and it is editorially legitimate and serves the public interest to broadcast discussion and debate about such matters of public policy. The Committee found no evidence in the broadcast of incitement to hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5591**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Claire Byrne Live
Broadcast Date	18th October 2021
Broadcast Time	22:30
Programme Description	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 - rule 4.1; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principle 5.

Complaint Summary

The complaint concerns an interview with journalist, Joe O'Shea, about people choosing not to have a Covid-19 vaccination and possible public policy options in relation to this.

The complainant states that during the discussion, the interviewee made several statements which the complainant believes constitute hate speech, incitement to divide society and persecute and isolate people who have not had a Covid-19 vaccine. The complaint provides examples of such statements, which may be summarised as:

- Allusions to people who are not vaccinated believing social media posts with conspiracy theories about Bill Gates and Covid-19 vaccines;
- References to people who choose not to take the vaccine as "hardcore cranks".
- Suggesting that people who choose not to take the vaccine cannot be debated with because their views on the subject are like a religious belief or a "cult-like thing;
- Expressing his own anger with people who choose not to be vaccinated and expressing his view that there should be restrictions for those people because of the risk they pose "to our society, to our people, to our loved ones".

The complainant also states that the interviewee's comment that there are no scientific arguments to be made for not getting vaccinated is false and misleading.

The complainant believes the interviewee is prejudiced against people who are not vaccinated, which meant the broadcast could not be presented in an objective and impartial manner. The complainant states that the interviewee's view that people who are not vaccinated should be "compelled" to stay at home and be isolated from the rest of society because they place others at risk is based on personal bias and is not grounded in scientific evidence. The complainant believes that the broadcaster should not have broadcast such a view.

Broadcaster Response Summary

The broadcaster states the programme focused on the latest developments in relation to Covid-19 and the imminent announcement from Government on whether it intended to proceed with plans to lift remaining public health restrictions and re-open society on 22nd October 2021. In this context, the broadcaster believes the discussion on vaccination and those not availing of vaccination was editorially legitimate, particularly given the consensus of public health advice that vaccination helps reduce the severity of illness and potential mortality from Covid-19 infection. The broadcaster notes that it is an established principle that broadcasters can, and should, give due weight to the consensus of scientific, medical, and public knowledge on issues such as this.

The broadcaster notes the interviewee was one of several contributors to the programme and that the broadcast provided a range of views on the subject from the panel and audience members.

The broadcaster is satisfied that, while the interviewee's views were robustly expressed and challenged, the content did not constitute "undue offence" or incitement to hatred or discrimination against any group.

The broadcaster believes the interviewee's view that there should be restrictions on people who are not vaccinated is an entirely legitimate view to hold, given the public health advice at the time, and notes that this view was shared by 69% of respondents to a poll referenced in the broadcast.

The broadcaster notes that the presenter challenged the interviewee's argument in favour of not "forcing" people to take vaccines but to "compel" them by imposing restrictions if they choose not to be vaccinated.

The broadcaster states that it is factually incorrect that the interviewee spoke about people not getting vaccinated because of their religious beliefs, but rather he expressed a view that some people have an almost religious belief in theories that set them against the scientific consensus. The broadcaster also states that it is incorrect that the interviewee targeted young people but rather he mentioned young people and "healthy" people as examples of groups who *may* feel it is not in their interests to get the vaccine.

The broadcaster believes the programme was fully compliant with all the 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 Codes, the Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The broadcast was a discussion with several interviewees and studio audience contributors on the latest developments in relation to Covid-19 and in the context of the Government's intention to lift public health restrictions on 22nd October 2021. The broadcast included some poll results on matters related to vaccinations and restrictions. The complaint is concerned mainly with the interview with journalist, Joe O'Shea.

The complaint was submitted 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. 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 considered whether any of the interview with the journalist was misleading and demonstrated bias. The Committee noted the interview was introduced by the presenter following the results of a poll showing 69% of respondents in favour of increased restrictions on people who are not vaccinated. The presenter asked the interviewee why he, like those respondents, favoured more restrictions for people who are not vaccinated. The interviewee set out his view that there are no scientific arguments for people not to be vaccinated and people should be compelled to have a Covid-19 vaccine by excluding unvaccinated people from public spaces. The presenter asked the interviewee whether he was advocated forcing people to have a vaccine and noted that people have a right to decide to take a vaccine. The interviewee said he was not in favour of forcing people to have a vaccine, but if people decided not to have a vaccine, the consequence for them ought to be exclusion from public spaces because of the risk unvaccinated people pose "to our society, to our people, to our loved ones". Later in the programme, the presenter put the interviewee's views to another contributor, a Professor of Immunology, to respond. She spoke about addressing the reasons why people chosen not to have a vaccine, listening to their concerns and finding ways to encourage people to come forward to be vaccinated.

The Committee noted the Code is not intended to preclude the expression of opinion by contributors to current affairs programmes and the rules limiting the expression of opinion are confined to just the presenters of news and current affairs. The Committee was satisfied the opinions of the interviewee were clearly presented as such and the presenter appropriately challenged these views and sought the opinions of another contributor on them. The Committee did not believe the audience would have been misled on the issues under discussion and was satisfied the subject was presented in an objective and impartial manner and was fair to all interests concerned.

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the views and language used by the interviewee about people who choose not to have a Covid-19 vaccine infringed the above provisions of the Code of Programme Standards. The Committee noted the interviewee offered his views on the reasons why some people are choosing not to have a vaccine and he alluded to some people believing a conspiracy theory about the vaccines and Bill Gates circulating on social media. The interviewee also suggested that some people could not be persuaded to have the vaccine because of a "religious belief almost, a cult-like thing" in not accepting the evidence and advice of scientific and medical experts in relation

to Covid-19 vaccines. The interviewee referred to these people as “hardcore cranks”. The interviewee commented that he was not in favour of forcing people to have a vaccine, but rather the consequence of that decision, in his view, must be the exclusion those people from public spaces because of the risk they pose “to our society, to our people, to our loved ones”.

The Committee found no basis to deem an opinion that some people choose not to have a Covid-19 vaccine because they believe in conspiracy theories as discriminatory or inciting hatred.

The Committee noted the “hardcore cranks” terms was not used describe all unvaccinated people, but just those who do not believe in the evidence and advice of scientific and medical experts in relation to the vaccines. The Committee noted these people do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee accepted the term may have caused offence to the complainant but did not believe it caused undue offence, considering the moderate manner in which the interview was conducted and taking into account the nature of the programme and audience expectations.

The Committee considered whether the interviewee’s expressed opinion that people who are not vaccinated should face increased restrictions constituted an infringement of the Code of Programme Standards. The Committee noted that people who are not vaccinated do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee also noted that it had been Government policy to have different public health restrictions in place for unvaccinated people and it is editorially legitimate and serves the public interest to broadcast discussion and debate about such matters of public policy. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5592**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Claire Byrne Live
Broadcast Date	18th October 2021
Broadcast Time	22:30
Programme Description	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 and 4.2; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principle 5.

Complaint Summary

The complaint concerns an interview with journalist, Joe O'Shea, about people choosing not to have a Covid-19 vaccination and possible public policy options in relation to this.

The complainant states that during the discussion, the interviewee made several statements which the complainant believes constitute hate speech, incitement to divide society and persecute and isolate people who have not had a Covid-19 vaccine. The complaint provides examples of such statements, which may be summarised as:

- Allusions to people who are not vaccinated believing social media posts with conspiracy theories about Bill Gates and Covid-19 vaccines;
- References to people who choose not to take the vaccine as "hardcore cranks".
- Suggesting that people who choose not to take the vaccine cannot be debated with because their views on the subject are like a religious belief or a "cult-like thing;
- Expressing his own anger with people who choose not to be vaccinated and expressing his view that there should be restrictions for those people because of the risk they pose "to our society, to our people, to our loved ones".

The complainant also states that the interviewee's comment that there are no scientific arguments to be made for not getting vaccinated is false and misleading.

The complainant believes the interviewee is prejudiced against people who are not vaccinated, which meant the broadcast could not be presented in an objective and impartial manner. The complainant states that the interviewee's view that people who are not vaccinated should be "compelled" to stay at home and be isolated from the rest of society because they place others at risk is based on personal bias and is not grounded in scientific evidence. The complainant believes that the broadcaster should not have broadcast such a view.

Broadcaster Response Summary

The broadcaster states the programme focused on the latest developments in relation to Covid-19 and the imminent announcement from Government on whether it intended to proceed with plans to lift remaining public health restrictions and re-open society on 22nd October 2021. In this context, the broadcaster believes the discussion on vaccination and those not availing of vaccination was editorially legitimate, particularly given the consensus of public health advice that vaccination helps reduce the severity of illness and potential mortality from Covid-19 infection. The broadcaster notes that it is an established principle that broadcasters can, and should, give due weight to the consensus of scientific, medical, and public knowledge on issues such as this.

The broadcaster notes the interviewee was one of several contributors to the programme and that the broadcast provided a range of views on the subject from the panel and audience members.

The broadcaster is satisfied that, while the interviewee's views were robustly expressed and challenged, the content did not constitute "undue offence" or incitement to hatred or discrimination against any group.

The broadcaster believes the interviewee's view that there should be restrictions on people who are not vaccinated is an entirely legitimate view to hold, given the public health advice at the time, and notes that this view was shared by 69% of respondents to a poll referenced in the broadcast.

The broadcaster notes that the presenter challenged the interviewee's argument in favour of not "forcing" people to take vaccines but to "compel" them by imposing restrictions if they choose not to be vaccinated.

The broadcaster states that it is factually incorrect that the interviewee spoke about people not getting vaccinated because of their religious beliefs, but rather he expressed a view that some people have an almost religious belief in theories that set them against the scientific consensus. The broadcaster also states that it is incorrect that the interviewee targeted young people but rather he mentioned young people and "healthy" people as examples of groups who *may* feel it is not in their interests to get the vaccine.

The broadcaster believes the programme was fully compliant with all the 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 Codes, the Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The broadcast was a discussion with several interviewees and studio audience contributors on the latest developments in relation to Covid-19 and in the context of the Government's intention to lift public health restrictions on 22nd October 2021. The broadcast included some poll results on matters related to vaccinations and restrictions. The complaint is concerned mainly with the interview with journalist, Joe O'Shea.

The complaint was submitted 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. 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 considered whether any of the interview with the journalist was misleading and demonstrated bias. The Committee noted the interview was introduced by the presenter following the results of a poll showing 69% of respondents in favour of increased restrictions on people who are not vaccinated. The presenter asked the interviewee why he, like those respondents, favoured more restrictions for people who are not vaccinated. The interviewee set out his view that there are no scientific arguments for people not to be vaccinated and people should be compelled to have a Covid-19 vaccine by excluding unvaccinated people from public spaces. The presenter asked the interviewee whether he was advocated forcing people to have a vaccine and noted that people have a right to decide to take a vaccine. The interviewee said he was not in favour of forcing people to have a vaccine, but if people decided not to have a vaccine, the consequence for them ought to be exclusion from public spaces because of the risk unvaccinated people pose "to our society, to our people, to our loved ones". Later in the programme, the presenter put the interviewee's views to another contributor, a Professor of Immunology, to respond. She spoke about addressing the reasons why people chosen not to have a vaccine, listening to their concerns and finding ways to encourage people to come forward to be vaccinated.

The Committee noted the Code is not intended to preclude the expression of opinion by contributors to current affairs programmes and the rules limiting the expression of opinion are confined to just the presenters of news and current affairs. The Committee was satisfied the opinions of the interviewee were clearly presented as such and the presenter appropriately challenged these views and sought the opinions of another contributor on them. The Committee did not believe the audience would have been misled on the issues under discussion and was satisfied the subject was presented in an objective and impartial manner and was fair to all interests concerned.

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the views and language used by the interviewee about people who choose not to have a Covid-19 vaccine infringed the above provisions of the Code of Programme Standards. The Committee noted the interviewee offered his views on the reasons why some people are choosing not to have a vaccine and he alluded to some people believing a conspiracy theory about the vaccines and Bill Gates circulating on social media. The interviewee also suggested that some people could not be persuaded to have the vaccine because of a "religious belief almost, a cult-like thing" in not accepting the evidence and advice of scientific and medical experts in relation

to Covid-19 vaccines. The interviewee referred to these people as “hardcore cranks”. The interviewee commented that he was not in favour of forcing people to have a vaccine, but rather the consequence of that decision, in his view, must be the exclusion those people from public spaces because of the risk they pose “to our society, to our people, to our loved ones”.

The Committee found no basis to deem an opinion that some people choose not to have a Covid-19 vaccine because they believe in conspiracy theories as discriminatory or inciting hatred.

The Committee noted the “hardcore cranks” terms was not used describe all unvaccinated people, but just those who do not believe in the evidence and advice of scientific and medical experts in relation to the vaccines. The Committee noted these people do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee accepted the term may have caused offence to the complainant but did not believe it caused undue offence, considering the moderate manner in which the interview was conducted and taking into account the nature of the programme and audience expectations.

The Committee considered whether the interviewee’s expressed opinion that people who are not vaccinated should face increased restrictions constituted an infringement of the Code of Programme Standards. The Committee noted that people who are not vaccinated do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee also noted that it had been Government policy to have different public health restrictions in place for unvaccinated people and it is editorially legitimate and serves the public interest to broadcast discussion and debate about such matters of public policy. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5593**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Claire Byrne Live
Broadcast Date	18th October 2021
Broadcast Time	22:30
Programme Description	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 - rule 4.1; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principle 5.

Complaint Summary

The complaint concerns an interview with journalist, Joe O'Shea, about people choosing not to have a Covid-19 vaccination and possible public policy options in relation to this.

The complainant states that during the discussion, the interviewee made specific reference to those who choose not to be vaccinated because of their young age or religious beliefs. The complainant believes that such a reference may be construed as indirect discrimination in the context of lower rates of Covid-19 vaccine uptake among groups protected under equality law such as ethnic minorities, certain religious affiliations, people with specific disabilities, pregnant women and younger age cohorts.

The complainant believes the interviewee's reference to people who cannot or choose not to get vaccinated as "hardcore cranks" is highly insulting.

The complainant claims that the interviewee's statement that people who are not vaccinated pose a risk to society was misleading and lacked supporting scientific evidence. The complainant believes the presenter did not correct such statements by the interviewee and ought to have done so.

The complainant believes the interview openly attacked a cohort of Irish citizens and claims that the interviewee's reference to locking people who are not vaccinated out of society could be seen as inciting hatred towards these people.

Broadcaster Response Summary

The broadcaster states the programme focused on the latest developments in relation to Covid-19 and the imminent announcement from Government on whether it intended to proceed with plans to lift remaining public health restrictions and re-open society on 22nd October 2021. In this context, the broadcaster believes the discussion on vaccination and those not availing of vaccination was editorially legitimate, particularly given the consensus of public health advice that vaccination helps reduce the severity of illness and potential mortality from Covid-19 infection. The broadcaster notes

that it is an established principle that broadcasters can, and should, give due weight to the consensus of scientific, medical, and public knowledge on issues such as this.

The broadcaster notes the interviewee was one of several contributors to the programme and that the broadcast provided a range of views on the subject from the panel and audience members.

The broadcaster is of the view that there is no basis for any complaint that the interview caused "harm" and the broadcaster is satisfied that, while the interviewee's views were robustly expressed and challenged, the content did not constitute "undue offence", nor could it be construed as inciting hatred against any person or group.

The broadcaster believes the interviewee's view that there should be restrictions on people who are not vaccinated is an entirely legitimate view to hold, given the public health advice at the time, and notes that this view was shared by 69% of respondents to a poll referenced in the broadcast.

The broadcaster notes that the presenter challenged the interviewee's argument in favour of not "forcing" people to take vaccines but to "compel" them by imposing restrictions if they choose not to be vaccinated.

The broadcaster states that it is factually incorrect that the interviewee spoke about people not getting vaccinated because of their religious beliefs, but rather he expressed a view that some people have an almost religious belief in theories that set them against the scientific consensus. The broadcaster also states that it is incorrect that the interviewee targeted young people but rather he mentioned young people and "healthy" people as examples of groups who *may* feel it is not in their interests to get the vaccine.

The broadcaster believes the programme was fully compliant with all the 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 Codes, the Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The broadcast was a discussion with several interviewees and studio audience contributors on the latest developments in relation to Covid-19 and in the context of the Government's intention to lift public health restrictions on 22nd October 2021. The broadcast included some poll results on matters related to vaccinations and restrictions. The complaint is concerned mainly with the interview with journalist, Joe O'Shea.

The complaint was submitted under rule 4.1 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which 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 Committee first considered whether any of the interview with the journalist was misleading and required correction for the audience, as claimed in the complaint. The Committee noted the interview was introduced by the presenter following the results of a poll showing 69% of respondents in favour of increased restrictions on people who are not vaccinated. The presenter asked the interviewee why he, like those respondents, favoured more restrictions for people who are not vaccinated. The interviewee set out his view that people should be compelled to have a Covid-19 vaccine by excluding unvaccinated people from public spaces. The presenter asked the interviewee whether he was advocated forcing people to have a vaccine and noted that people have a right to decide to take a vaccine. The interviewee said he was not in favour of forcing people to have a vaccine, but if people decided not to have a vaccine, the consequence for them ought to be exclusion from public spaces because of the risk unvaccinated people pose "to our society, to our people, to our loved ones". Later in the programme, the presenter put the interviewee's views to another contributor, a Professor of Immunology, to respond. She spoke about addressing the reasons why people chosen not to have a vaccine, listening to their concerns and finding ways to encourage people to come forward to be vaccinated.

The Committee was satisfied the opinions of the interviewee were clearly presented as such and the presenter appropriately challenged these views and sought the opinions of another contributor on them. The Committee did not believe the audience would have been misled on the issues under discussion and was satisfied the subject was presented in an objective and impartial manner, which was fair to all interests concerned.

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether references to young people or people of religious beliefs in the broadcast had infringed the above provisions of the Code of Programme Standards, as claimed in the complaint. The Committee noted the interviewee's reference to young people was in the context of explaining why some people may be choosing not to be vaccinated. The interview said,

> ***"We have to start compelling people, because a lot of them seem to think that because it's not affecting me directly, because maybe I'm young or maybe I'm healthy or maybe I believe some post that I've seen on Facebook saying Bill Gates wants me to get vaccinated so he can turn me into a robot...that we have to start making their lives complicated as well".***

The Committee noted the interviewee's reference to religious beliefs related to people refusing to believe the evidence and advice of scientific and medical experts in relation to Covid-19 vaccines. The interviewee said,

> ***"...there are no scientific arguments to be made for not getting vaccinated. I'm not a virologist but the 'anti-vaxxers' aren't virologists either. There's no debate because you can't debate somebody who believes in a religious belief almost, a cult-like thing of, you know, well, 'I'm***

just not going to get vaccinated and I'm not going to listen to my doctor, I'm not going to listen to the overwhelming evidence and opinion of the world's leading scientists'. You can't debate with them. At this stage, we're talking about almost hard-core cranks."

The Committee found no grounds to believe the above references to young people and religious beliefs amounted to stigmatising, supporting or condoning discrimination or inciting hatred against these groups in society.

The Committee considered whether the language used by the interviewee infringed the requirements of the Code of Programme Standards, in particular the reference to "hardcore cranks". The Committee noted the interviewee did not use this term to describe all unvaccinated people, as suggested in the complaint, but just those who do not believe in the evidence and advice of scientific and medical experts in relation to the vaccines. The Committee noted these people do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee accepted the term may have caused offence to the complainant but did not believe it caused undue offence, considering the moderate manner in which the interview was conducted and taking into account the nature of the programme and audience expectations.

The Committee considered whether the interviewee's expressed opinion that people who are not vaccinated should face increased restrictions constituted incitement to hatred against unvaccinated people. The Committee noted that people who are not vaccinated do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee also noted that having different public health restrictions in place for unvaccinated people had been a matter of Government policy and it is editorially legitimate and serves the public interest to broadcast discussion and debate about such matters of public policy. The Committee found no evidence in the broadcast of incitement to hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5594**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Claire Byrne Live
Broadcast Date	18th October 2021
Broadcast Time	22:30
Programme Description	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 - rule 4.1; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principle 5.

Complaint Summary

The complaint concerns an interview with journalist, Joe O'Shea, about people choosing not to have a Covid-19 vaccination and possible public policy options in relation to this.

The complainant claims the interviewee called for all unvaccinated people to be banished from society and there was no opposing views or opinions to this in the broadcast. The complainant believes that giving an uncontested platform to this view is immoral and goes against any kind of journalistic ethics.

The complainant believes there was no robust debate on this subject and the broadcast allowed such comments to be made without highlighting that promoting a segregated society based on medical choices is immoral and unethical.

Broadcaster Response Summary

The broadcaster states the programme focused on the latest developments in relation to Covid-19 and the imminent announcement from Government on whether it intended to proceed with plans to lift remaining public health restrictions and re-open society on 22nd October 2021. In this context, the broadcaster believes the discussion on vaccination and those not availing of vaccination was editorially legitimate, particularly given the consensus of public health advice that vaccination helps reduce the severity of illness and potential mortality from Covid-19 infection. The broadcaster notes that it is an established principle that broadcasters can, and should, give due weight to the consensus of scientific, medical, and public knowledge on issues such as this.

The broadcaster notes the interviewee was one of several contributors to the programme and that the broadcast provided a range of views on the subject from the panel and audience members.

The broadcaster is satisfied that, while the interviewee's views were robustly expressed and challenged, the content did not constitute "undue offence" or incitement to hatred or discrimination against any group.

The broadcaster believes the interviewee's view that there should be restrictions on people who are not vaccinated is an entirely legitimate view to hold, given the public health advice at the time, and notes that this view was shared by 69% of respondents to a poll referenced in the broadcast.

The broadcaster notes that the presenter challenged the interviewee's argument in favour of not "forcing" people to take vaccines but to "compel" them by imposing restrictions if they choose not to be vaccinated.

The broadcaster states that it is factually incorrect that the interviewee spoke about people not getting vaccinated because of their religious beliefs, but rather he expressed a view that some people have an almost religious belief in theories that set them against the scientific consensus. The broadcaster also states that it is incorrect that the interviewee targeted young people but rather he mentioned young people and "healthy" people as examples of groups who *may* feel it is not in their interests to get the vaccine.

The broadcaster believes the programme was fully compliant with all the 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 Codes, the Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The broadcast was a discussion with several interviewees and studio audience contributors on the latest developments in relation to Covid-19 and in the context of the Government's intention to lift public health restrictions on 22nd October 2021. The broadcast included some poll results on matters related to vaccinations and restrictions. The complaint is concerned mainly with the interview with journalist, Joe O'Shea.

The complaint was submitted under rule 4.1 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which 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 Committee considered whether the audience had been provided with a range of views on the subject under discussion in the broadcast. The Committee noted the interview was introduced by the presenter following the results of a poll showing 69% of respondents in favour of increased restrictions on people who are not vaccinated. The presenter asked the interviewee why he, like those respondents, favoured more restrictions for people who are not vaccinated. The interviewee set out his view that there are no scientific arguments for people not to be vaccinated and people should be compelled to have a Covid-19 vaccine by excluding unvaccinated people from public spaces. The presenter asked the interviewee whether he was advocated forcing people to have a vaccine and noted that people have a right to decide to take a vaccine. The interviewee said he was not in favour of forcing people to have a vaccine, but if people decided not to have a vaccine, the

consequence for them ought to be exclusion from public spaces because of the risk unvaccinated people pose "to our society, to our people, to our loved ones". Later in the programme, the presenter put the interviewee's views to another contributor, a Professor of Immunology, to respond. She spoke about addressing the reasons why people chosen not to have a vaccine, listening to their concerns and finding ways to encourage people to come forward to be vaccinated.

The Committee was satisfied the opinions of the interviewee were clearly presented as such and the presenter appropriately challenged these views and sought the opinions of another contributor on them. The Committee observed 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 or for there to be an "artificial balance" of viewpoints. An example of artificial balance may be including the views of people who do not believe matters of established fact or scientific consensus. The Committee was satisfied the subject was presented in an objective and impartial manner and was fair to all interests concerned.

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the interviewee's expressed opinion that people who are not vaccinated should face increased restrictions constituted incitement to hatred against unvaccinated people. The Committee noted that people who are not vaccinated do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee also noted that having different public health restrictions in place for unvaccinated people had been a matter of Government policy and it is editorially legitimate and serves the public interest to broadcast discussion and debate about such matters of public policy. The Committee found no evidence in the broadcast of incitement to hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5602**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Claire Byrne Live
Broadcast Date	18th October 2021
Broadcast Time	22:30
Programme Description	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 and 4.2; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principle 5.

Complaint Summary

The complaint concerns an interview with journalist, Joe O'Shea, about people choosing not to have a Covid-19 vaccination and possible public policy options in relation to this.

The complainant states that during the discussion, the interviewee made several statements which the complainant believes constitute hate speech, incitement to divide society and persecute and isolate people who have not had a Covid-19 vaccine. The complaint provides examples of such statements, which may be summarised as:

- Allusions to people who are not vaccinated believing social media posts with conspiracy theories about Bill Gates and Covid-19 vaccines;
- References to people who choose not to take the vaccine as "hardcore cranks".
- Suggesting that people who choose not to take the vaccine cannot be debated with because their views on the subject are like a religious belief or a "cult-like thing;
- Expressing his own anger with people who choose not to be vaccinated and expressing his view that there should be restrictions for those people because of the risk they pose "to our society, to our people, to our loved ones".

The complainant also states that the interviewee's comment that there are no scientific arguments to be made for not getting vaccinated is false and misleading.

The complainant believes the interviewee is prejudiced against people who are not vaccinated, which meant the broadcast could not be presented in an objective and impartial manner. The complainant states that the interviewee's view that people who are not vaccinated should be "compelled" to stay at home and be isolated from the rest of society because they place others at risk is based on personal bias and is not grounded in scientific evidence. The complainant believes that the broadcaster should not have broadcast such a view.

Broadcaster Response Summary

The broadcaster states the programme focused on the latest developments in relation to Covid-19 and the imminent announcement from Government on whether it intended to proceed with plans to lift remaining public health restrictions and re-open society on 22nd October 2021. In this context, the broadcaster believes the discussion on vaccination and those not availing of vaccination was editorially legitimate, particularly given the consensus of public health advice that vaccination helps reduce the severity of illness and potential mortality from Covid-19 infection. The broadcaster notes that it is an established principle that broadcasters can, and should, give due weight to the consensus of scientific, medical, and public knowledge on issues such as this.

The broadcaster notes the interviewee was one of several contributors to the programme and that the broadcast provided a range of views on the subject from the panel and audience members.

The broadcaster is satisfied that, while the interviewee's views were robustly expressed and challenged, the content did not constitute "undue offence" or incitement to hatred or discrimination against any group.

The broadcaster believes the interviewee's view that there should be restrictions on people who are not vaccinated is an entirely legitimate view to hold, given the public health advice at the time, and notes that this view was shared by 69% of respondents to a poll referenced in the broadcast.

The broadcaster notes that the presenter challenged the interviewee's argument in favour of not "forcing" people to take vaccines but to "compel" them by imposing restrictions if they choose not to be vaccinated.

The broadcaster states that it is factually incorrect that the interviewee spoke about people not getting vaccinated because of their religious beliefs, but rather he expressed a view that some people have an almost religious belief in theories that set them against the scientific consensus. The broadcaster also states that it is incorrect that the interviewee targeted young people but rather he mentioned young people and "healthy" people as examples of groups who *may* feel it is not in their interests to get the vaccine.

The broadcaster believes the programme was fully compliant with all the 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 Codes, the Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The broadcast was a discussion with several interviewees and studio audience contributors on the latest developments in relation to Covid-19 and in the context of the Government's intention to lift public health restrictions on 22nd October 2021. The broadcast included some poll results on matters related to vaccinations and restrictions. The complaint is concerned mainly with the interview with journalist, Joe O'Shea.

The complaint was submitted 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. 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 considered whether any of the interview with the journalist was misleading and demonstrated bias. The Committee noted the interview was introduced by the presenter following the results of a poll showing 69% of respondents in favour of increased restrictions on people who are not vaccinated. The presenter asked the interviewee why he, like those respondents, favoured more restrictions for people who are not vaccinated. The interviewee set out his view that there are no scientific arguments for people not to be vaccinated and people should be compelled to have a Covid-19 vaccine by excluding unvaccinated people from public spaces. The presenter asked the interviewee whether he was advocated forcing people to have a vaccine and noted that people have a right to decide to take a vaccine. The interviewee said he was not in favour of forcing people to have a vaccine, but if people decided not to have a vaccine, the consequence for them ought to be exclusion from public spaces because of the risk unvaccinated people pose "to our society, to our people, to our loved ones". Later in the programme, the presenter put the interviewee's views to another contributor, a Professor of Immunology, to respond. She spoke about addressing the reasons why people chosen not to have a vaccine, listening to their concerns and finding ways to encourage people to come forward to be vaccinated.

The Committee noted the Code is not intended to preclude the expression of opinion by contributors to current affairs programmes and the rules limiting the expression of opinion are confined to just the presenters of news and current affairs. The Committee was satisfied the opinions of the interviewee were clearly presented as such and the presenter appropriately challenged these views and sought the opinions of another contributor on them. The Committee did not believe the audience would have been misled on the issues under discussion and was satisfied the subject was presented in an objective and impartial manner and was fair to all interests concerned.

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the views and language used by the interviewee about people who choose not to have a Covid-19 vaccine infringed the above provisions of the Code of Programme Standards. The Committee noted the interviewee offered his views on the reasons why some people are choosing not to have a vaccine and he alluded to some people believing a conspiracy theory about the vaccines and Bill Gates circulating on social media. The interviewee also suggested that some people could not be persuaded to have the vaccine because of a "religious belief almost, a cult-like thing" in not accepting the evidence and advice of scientific and medical experts in relation

to Covid-19 vaccines. The interviewee referred to these people as “hardcore cranks”. The interviewee commented that he was not in favour of forcing people to have a vaccine, but rather the consequence of that decision, in his view, must be the exclusion those people from public spaces because of the risk they pose “to our society, to our people, to our loved ones”.

The Committee found no basis to deem an opinion that some people choose not to have a Covid-19 vaccine because they believe in conspiracy theories as discriminatory or inciting hatred.

The Committee noted the “hardcore cranks” terms was not used describe all unvaccinated people, but just those who do not believe in the evidence and advice of scientific and medical experts in relation to the vaccines. The Committee noted these people do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee accepted the term may have caused offence to the complainant but did not believe it caused undue offence, considering the moderate manner in which the interview was conducted and taking into account the nature of the programme and audience expectations.

The Committee considered whether the interviewee’s expressed opinion that people who are not vaccinated should face increased restrictions constituted an infringement of the Code of Programme Standards. The Committee noted that people who are not vaccinated do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee also noted that it had been Government policy to have different public health restrictions in place for unvaccinated people and it is editorially legitimate and serves the public interest to broadcast discussion and debate about such matters of public policy. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5624**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Claire Byrne Live
Broadcast Date	18th October 2021
Broadcast Time	22:30
Programme Description	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 - rule 4.1; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principle 5.

Complaint Summary

The complaint concerns an interview with journalist, Joe O'Shea, about people choosing not to have a Covid-19 vaccination and possible public policy options in relation to this.

The complainant states that during the discussion, the interviewee made specific reference to those who choose not to be vaccinated because of their young age or religious beliefs. The complainant believes that such a reference may be construed as indirect discrimination in the context of lower rates of Covid-19 vaccine uptake among groups protected under equality law such as ethnic minorities, certain religious affiliations, people with specific disabilities, pregnant women and younger age cohorts.

The complainant believes the interviewee's reference to people who cannot or choose not to get vaccinated as "hardcore cranks" is highly insulting.

The complainant claims that the interviewee's statement that people who are not vaccinated pose a risk to society was misleading and lacked supporting scientific evidence. The complainant believes the presenter did not correct such statements by the interviewee and ought to have done so.

The complainant believes the interview openly attacked a cohort of Irish citizens and claims that the interviewee's reference to locking people who are not vaccinated out of society could be seen as inciting hatred towards these people.

Broadcaster Response Summary

The broadcaster states the programme focused on the latest developments in relation to Covid-19 and the imminent announcement from Government on whether it intended to proceed with plans to lift remaining public health restrictions and re-open society on 22nd October 2021. In this context, the broadcaster believes the discussion on vaccination and those not availing of vaccination was editorially legitimate, particularly given the consensus of public health advice that vaccination helps reduce the severity of illness and potential mortality from Covid-19 infection. The broadcaster notes

that it is an established principle that broadcasters can, and should, give due weight to the consensus of scientific, medical, and public knowledge on issues such as this.

The broadcaster notes the interviewee was one of several contributors to the programme and that the broadcast provided a range of views on the subject from the panel and audience members.

The broadcaster is of the view that there is no basis for any complaint that the interview caused "harm" and the broadcaster is satisfied that, while the interviewee's views were robustly expressed and challenged, the content did not constitute "undue offence", nor could it be construed as inciting hatred against any person or group.

The broadcaster believes the interviewee's view that there should be restrictions on people who are not vaccinated is an entirely legitimate view to hold, given the public health advice at the time, and notes that this view was shared by 69% of respondents to a poll referenced in the broadcast.

The broadcaster notes that the presenter challenged the interviewee's argument in favour of not "forcing" people to take vaccines but to "compel" them by imposing restrictions if they choose not to be vaccinated.

The broadcaster states that it is factually incorrect that the interviewee spoke about people not getting vaccinated because of their religious beliefs, but rather he expressed a view that some people have an almost religious belief in theories that set them against the scientific consensus. The broadcaster also states that it is incorrect that the interviewee targeted young people but rather he mentioned young people and "healthy" people as examples of groups who *may* feel it is not in their interests to get the vaccine.

The broadcaster believes the programme was fully compliant with all the 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 Codes, the Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The broadcast was a discussion with several interviewees and studio audience contributors on the latest developments in relation to Covid-19 and in the context of the Government's intention to lift public health restrictions on 22nd October 2021. The broadcast included some poll results on matters related to vaccinations and restrictions. The complaint is concerned mainly with the interview with journalist, Joe O'Shea.

The complaint was submitted under rule 4.1 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which 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 Committee first considered whether any of the interview with the journalist was misleading and required correction for the audience, as claimed in the complaint. The Committee noted the interview was introduced by the presenter following the results of a poll showing 69% of respondents in favour of increased restrictions on people who are not vaccinated. The presenter asked the interviewee why he, like those respondents, favoured more restrictions for people who are not vaccinated. The interviewee set out his view that people should be compelled to have a Covid-19 vaccine by excluding unvaccinated people from public spaces. The presenter asked the interviewee whether he was advocated forcing people to have a vaccine and noted that people have a right to decide to take a vaccine. The interviewee said he was not in favour of forcing people to have a vaccine, but if people decided not to have a vaccine, the consequence for them ought to be exclusion from public spaces because of the risk unvaccinated people pose "to our society, to our people, to our loved ones". Later in the programme, the presenter put the interviewee's views to another contributor, a Professor of Immunology, to respond. She spoke about addressing the reasons why people chosen not to have a vaccine, listening to their concerns and finding ways to encourage people to come forward to be vaccinated.

The Committee was satisfied the opinions of the interviewee were clearly presented as such and the presenter appropriately challenged these views and sought the opinions of another contributor on them. The Committee did not believe the audience would have been misled on the issues under discussion and was satisfied the subject was presented in an objective and impartial manner, which was fair to all interests concerned.

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether references to young people or people of religious beliefs in the broadcast had infringed the above provisions of the Code of Programme Standards, as claimed in the complaint. The Committee noted the interviewee's reference to young people was in the context of explaining why some people may be choosing not to be vaccinated. The interview said,

> ***"We have to start compelling people, because a lot of them seem to think that because it's not affecting me directly, because maybe I'm young or maybe I'm healthy or maybe I believe some post that I've seen on Facebook saying Bill Gates wants me to get vaccinated so he can turn me into a robot...that we have to start making their lives complicated as well".***

The Committee noted the interviewee's reference to religious beliefs related to people refusing to believe the evidence and advice of scientific and medical experts in relation to Covid-19 vaccines. The interviewee said,

> ***"...there are no scientific arguments to be made for not getting vaccinated. I'm not a virologist but the 'anti-vaxxers' aren't virologists either. There's no debate because you can't debate somebody who believes in a religious belief almost, a cult-like thing of, you know, well, 'I'm***

just not going to get vaccinated and I'm not going to listen to my doctor, I'm not going to listen to the overwhelming evidence and opinion of the world's leading scientists'. You can't debate with them. At this stage, we're talking about almost hard-core cranks."

The Committee found no grounds to believe the above references to young people and religious beliefs amounted to stigmatising, supporting or condoning discrimination or inciting hatred against these groups in society.

The Committee considered whether the language used by the interviewee infringed the requirements of the Code of Programme Standards, in particular the reference to "hardcore cranks". The Committee noted the interviewee did not use this term to describe all unvaccinated people, as suggested in the complaint, but just those who do not believe in the evidence and advice of scientific and medical experts in relation to the vaccines. The Committee noted these people do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee accepted the term may have caused offence to the complainant but did not believe it caused undue offence, considering the moderate manner in which the interview was conducted and taking into account the nature of the programme and audience expectations.

The Committee considered whether the interviewee's expressed opinion that people who are not vaccinated should face increased restrictions constituted incitement to hatred against unvaccinated people. The Committee noted that people who are not vaccinated do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee also noted that having different public health restrictions in place for unvaccinated people had been a matter of Government policy and it is editorially legitimate and serves the public interest to broadcast discussion and debate about such matters of public policy. The Committee found no evidence in the broadcast of incitement to hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

Rejected by Executive Complaints Forum

Complaint Reference Number	**C5549**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	News at One
Broadcast Date	6th August 2021
Broadcast Time	13:00
Programme Description	Daily 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 - rule 4.2

Complaint Summary

The complaint concerns an interview with two music industry representatives about the Covid-19 public health restrictions in place for music events in Ireland.

The complainant believes the interview was one-sided and biased in favour of the interviewees' viewpoints, based on the following aspects of the broadcast:

- The two interviewees are from a similar perspective on the public health restrictions on music events and were given "significant" airtime to express their views.
- The two interviewees referenced the UK experience of fewer restrictions on live music events to support their arguments for re-opening live music events in Ireland. The complainant believes these views ought to have been challenged by the presenter by way of reference to recent daily Covid-19 case numbers in the UK.
- The complainant believes one interviewee insinuated that Tony Holohan (Chief Medical Officer) was not doing what is best for public health in this country, which is a view the complainant believes ought to have been challenged by the presenter.

Broadcaster Response Summary

The broadcaster does not accept that the broadcast breached any provision of the Broadcasting Act 2009 or related BAI Codes.

The broadcaster notes the context for the interview was the news that Laois County Council had decided against providing a licence for the Electric Picnic festival. By way of additional context, the broadcaster states that the audience for this programme was aware from daily reporting, that the Government had not, at the time of the interview, determined a plan for the full reopening of the live entertainment sector.

The broadcaster states that *News At One* is a news driven programme that features interviews with those in the news or impacted by news developments. In this context, the broadcaster believes the

interviewees were appropriate for this broadcast because one is a promoter who had been directly involved in discussions with government about re-opening live music events and the other is involved with a band.

The broadcaster contends that there is no requirement for every side of a story to be covered and the absence of one or other views does not necessarily constitute unfairness. The broadcaster notes that it has reported on challenges facing different sectors during the pandemic without necessarily having all views at a given time because there is already a high level of public awareness about the restrictions and views of government and public health authorities.

The broadcaster states that the presenter asked one of the interviewees about the experience of the pilot 'live' events undertaken in conjunction with the government and public health experts. The broadcaster notes that one interviewee reiterated points raised by the Electric Picnic festival organisers in a previous broadcast that all people working and attending the festival would have to be fully vaccinated or have recovered from Covid-19 in the past 6 months. The broadcaster also notes that one interviewee said that if the conditions were not right and it was not safe, no-one would be pushing to re-open.

The broadcaster does not accept that the comment made about Dr. Tony Holohan in the broadcast was unfair. The broadcaster states that the presenter asked the interviewee about the level of contact she had had with government to put a plan in place for re-opening and, in that context, she said everything was being "deferred" back to NPHET and Dr. Holohan for a decision.

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 4.2 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which requires broadcasters to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability, in the treatment of news and current affairs.

The broadcast featured a discussion about public health restrictions on live events and entertainment venues in the context of a decision by Laois County Council not to provide a license for the Electric Picnic music festival. Two interviewees - a promoter and a performer – discussed this issue and the ongoing restrictions from the perspective of those impacted by the restrictions.

In considering the complainant's view on the range of perspectives included in the broadcast, the Forum noted the news story in this broadcast was the impact of public health restrictions on the events industry and artists and it was not about whether the restrictions themselves were appropriate or justified. The Forum was of the view that listeners would have had a high level of awareness of the restrictions in place at the time and of the reasons provided by the Government for them. The Forum noted that the Code does not require broadcasts to feature all viewpoints on an issue in order to be objective and impartial in its treatment of a subject. In this context, the Forum considered it

editorially legitimate for the broadcast to cover the perspectives of those impacted by Government and local authority decisions in relation to live entertainment and events. The Forum also believed the manner in which the presenter interviewed the contributors was appropriate and responsible in the context of the story and there was no evidence of a lack of objectivity or impartiality in the broadcast.

The Forum decided the programme had not infringed the relevant provisions of the Broadcasting Act, 2009 or the Code of Fairness, Objectivity & Impartiality in news and current affairs. On this basis, the Forum rejected the complaint.

Complaint Reference Number	**C5550**
Complainant	[redacted]
Station	Q102
Programme Name	Breakfast with Aidan and Venetia
Broadcast Date	14th September 2021
Broadcast Time	07:00 – 10:00
Programme Description	Information, news, traffic and music 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 - rule 4.1 Broadcasting Act 2009 - Section 48(1)(b) (harm and offence) BAI Code of Programme Standards – Principle 6

Complaint Summary

The complaint concerns a comment made by one of the two presenters of this programme.

The complainant states that one presenter referred to Sinn Féin's motion of no confidence in Minister Simon Coveney as a "distraction". The complainant believes this is a political statement by the broadcaster and it demonstrates the broadcaster's "conservative leanings".

Broadcaster Response Summary

The broadcaster does not believe the complaint, and the basis of the complaint, hold up to scrutiny.

The broadcaster contends that the complaint omitted relevant context in the broadcast segment, which began with the results of newspaper polls showing Sinn Féin to be the most popular political party in the country and the rise in the satisfaction rating of Sinn Féin's leader, Mary Lou McDonald. The broadcaster notes the question of whether the motion of no confidence in Minister Simon Coveney was a distraction arose following reference to these polls and the damage caused to Fine Gael and its leader, Leo Varadkar, by the appointment of Katherine Zappone to a UN role.

The broadcaster notes the contributor to the segment expressed a view that the motion of no confidence was unlikely to be successful and, in the context of a critical analysis of the controversy, the issue of whether the motion was a distraction was raised by the presenter. The contributor was then given an opportunity to respond and she provided her opinion that it was a distraction and gave her reasons for that opinion.

The broadcaster believes the segment did not contain any material adverse to the public interest or omit material thereby prejudicing the public interest. The broadcaster is also of the view the segment contained a robust, political analysis, which was fair, proportionate and even-handed in its treatment of the various public interest issues.

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 rule 4.1 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which requires current affairs to be presented in an objective and impartial manner and without any expression of the broadcaster's own views. 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 broadcast was a current affairs analysis and discussion with a political columnist, which covered the results of recent polls on political parties and their leaders and the appointment of Katherine Zappone to a UN role and the resulting vote of no confidence in the Minister put forward by Sinn Fein.

In considering the complainant's view that the broadcast did not comply with the legislative and regulatory requirements for fairness, objectivity and impartiality, the Forum noted the broadcast was focused largely on the increase in support for Sinn Féin and its leader shown in recent polls. The Forum also noted the reference to the motion of no confidence was made in the context of the political analyst's opinion that the motion was not likely to succeed and was therefore, in her opinion, a "distraction". The Forum was of the opinion that this reference was a relatively small part of the overall broadcast and that political analysis of this nature is common and expected in current affairs programmes. The Forum believed the use of this term was not party political or partisan and considered it justified in the context of the editorial and the news story under discussion. The Forum concluded the use of this term in this context did not constitute an infringement of the requirements for fairness, objectivity and impartiality and it did not adversely affect the public interest.

The Forum decided the broadcast had not infringed the relevant provisions of the Broadcasting Act 2009, the Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the Code of Programme Standards. Accordingly, the Forum rejected the complaint.

Complaint Reference Number	**C5553**
Complainant	[redacted]
Station	Newstalk 106-108fm
Programme Name	The Pat Kenny Show
Broadcast Date	23rd August 2021
Broadcast Time	09:00
Programme Description	Daily current affairs programme
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality); BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rule 4.22; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); BAI Code of Programme Standards, Principle 3.

Complaint Summary

The complaint concerns a segment involving a regular contributor to the programme, Professor Luke O'Neill.

The complainant contends the contributor advised people who may have a medical condition to take vaccines without seeking the opinion of a doctor or consultant. The complainant believes this caused harm, undue offence and undue stress to people who cannot, for medical reasons, take the Covid-19 vaccine and who may have been convinced by the broadcast to get a vaccine without consulting a doctor.

The complainant also believes the term "anti-vaxxers" was used by the presenter to refer to people who are not vaccinated and this causes harm and offence to those medically unable to get a vaccine and could incite hatred towards that group of people, which in turn may lead to violence or harm.

The complainant also believes the segment may have contravened rule 4.22 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs.

Broadcaster Response Summary

The broadcaster does not believe the broadcast caused undue harm or offence or amounted to incitement to hatred towards a group who may not be able to take a vaccine.

The broadcaster states that the contributor to the programme is a renowned and respected Professor of Immunology at the School of Biochemistry and Immunology in Trinity College Dublin. The broadcaster states that this contributor has featured regularly on this programme to discuss the latest developments in science and that he has not been presented, at any point, as a medical expert nor has he sought to dispense medical advice.

The broadcaster states that, in this broadcast, the contributor updated listeners on the latest developments in coronavirus treatments, but he did not dispense medical advice or advise people with cancer or other underlying conditions to get the vaccine. The broadcaster noted the contributor pointed out that there are some people for whom the vaccine will not be appropriate.

The broadcaster contends that the presenter and the contributor did not use the term “anti-vaxxers” in the manner specified in the complaint. The broadcaster states that this term was used in the context of a question from a listener who had a specific query about the impact of socialising with what the listener termed anti-vaxxers and the term was not used to refer to people who cannot take the vaccine for medical reasons. The broadcaster also notes that the presenter asked how unvaccinated people can be protected from the virus.

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 broadcast featured a segment with regular contributor, Professor Luke O’Neill, who discussed vaccines and treatments for Covid-19 with the presenter of the programme.

The complaint was submitted under rule 4.22 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which provides that current affairs presenters shall 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 Forum noted the complaint did not set out a case as to how the broadcast infringed this rule in the Code and, on this basis, the Forum rejected this part of the complaint.

The complaint was also submitted under Principle 3 of the Code Programme Standards, which requires broadcasters to take due care to ensure audiences are not exposed to harmful content. The Code recognises harmful material as material that has an “effect”, that is, content that causes, mental, psychological or physical harm. However, Principle 3 is not intended to prevent broadcasters from making programmes that may be provocative or deal with sensitive issues.

The Forum considered whether the broadcast had caused harm by convincing listeners to get a Covid-19 vaccine without consulting a doctor, in particular, those who cannot have a Covid-19 vaccine for medical reasons. The Forum noted the contributor is not referred to as a medical expert in the broadcast nor does any of the content suggest or imply that he is a medical expert. The Forum was of the view that it is reasonable to expect the audience would know this person, as a regular contributor to the programme, is not a medical expert. The Forum was also of the view that audiences would be aware that vaccines are administered by professionals in a medical context and people cannot receive a vaccine without input from such professionals. Considering these factors, the Forum was satisfied the broadcast would not have caused harm to the audience in the manner specified in the complaint.

The Forum also considered whether the use of the term “anti-vaxxers” in the broadcast caused harm or incited hatred toward people who have not had a Covid-19 vaccine for medical reasons. The Forum noted the presenter read a text from a listener that included the term “anti-vaxxer” and afterward the presenter then used this term to refer to people who are against having Covid-19 vaccines.

The Forum considered the nature of the programme and found the content of this segment is driven by texts and questions from callers to which the regular contributor responds with reference to the latest scientific knowledge in relation to Covid-19. The Forum was of the view the discussion in this broadcast was held in a calm and moderate manner and noted there were some views expressed that were sympathetic toward people who are not able to get a Covid-19 vaccination. Considering the broadcast in whole and in context, the Forum did not believe the use of the term “anti-vaxxers” in the broadcast would have caused mental, psychological or physical harm to the audience.

In considering whether the use of the term “anti-vaxxers” constituted incitement to hatred against people who cannot get a Covid-19 vaccine for medical reasons, the Forum noted that people who are not vaccinated, for whatever reason, are not a particular group in society given specific protection under equality legislation. The Forum found no evidence in the broadcast of incitement to hatred and noted no reference in the complaint to the aspects of the content that would constitute such incitement.

The Forum decided the broadcast did not infringe the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Forum rejected the complaint.

Complaint Reference Number	**C5554**
Complainant	[redacted]
Station	FM104
Programme Name	FM104 News
Broadcast Date	2nd October 2021
Broadcast Time	15:00
Programme Description	News Bulletin
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 news story about the Texas Heartbeat Act, which increased restrictions on abortion provision in Texas, USA.

The complainant believes this broadcast was not objective or impartial because it included the views of people opposed to the new legislation at an event in Dublin but not the views of campaigners who support the Texas legislature. The complainant contends the omission of an opposing viewpoint meant that contentious statements were not challenged and the audience was denied an opportunity to evaluate the story objectively, which, arguably, made the news story a "political statement".

Broadcaster Response Summary

The broadcaster believes the news story was covered accurately and fairly in the broadcast.

The broadcaster notes that this was a news event organised by pro-choice supporters, which merited coverage. The broadcaster expressed the view that it is not always possible to present an opposing view in a breaking news environment and, in this case, there was no one to offer a counterpoint. However, the broadcaster believes that the arguments on both sides of the abortion rights debate would be widely known.

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 BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that news be presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The broadcast was a news report about protests in relation to the 'Heartbeat Law' passed in Texas, USA, and it included an excerpt from a speech by a campaigner at a protest in Dublin

In considering the complainant's view that the broadcast was not objective or impartial because it did not include the views of people in favour of the 'Heartbeat Law', the Forum noted the broadcast was a short news bulletin and that it focused on protests against the legislation and it was not a discussion or debate about the merits or otherwise of the legislation. The Forum was of the view that it is editorially legitimate to cover the news story of the protest in Ireland. The Forum noted the Code does not necessarily require a broadcast to include all views on an issue to meet the requirements of objectivity and impartiality and, in this case, the Forum found no evidence in the broadcast of a lack of objectivity or impartiality in how the story was covered.

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

Complaint Reference Number	**C5559**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Today with Claire Byrne
Broadcast Date	6th October 2021
Broadcast Time	10:00
Programme Description	Mid-morning current affairs programme
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.1 and 4.2

Complaint Summary

The complaint concerns a discussion on the vaccination take-up by players in the Irish football team.

The complainant found this segment biased because the three contributors to the discussion strongly supported vaccination and there was no contribution from someone who is not vaccinated. The complainant believes that people who are not vaccinated should not be pressurised by a "pro-vaccination discourse" and that this biased discourse must stop.

Broadcaster Response Summary

The broadcaster believes the broadcast was compliant with all the statutory and regulatory provisions and RTÉ's own guidelines.

The broadcaster notes the contributors to the programme included a Professor of Comparative Immunology, a former Ireland international player and manager, a broadcaster and pundit and, later in the programme, a solicitor with the Players Football Association of Ireland. The broadcaster notes there is no statutory or regulatory requirement for 'balance', in terms of the make-up of contributors to a discussion, and there is no requirement that a programme discussing Covid-19 vaccines should have contributors who are vaccinated and unvaccinated.

The broadcaster also notes, in respect of programmes covering vaccines, there is a well-established principle that broadcasters are entitled to give due weight to the consensus of contemporary scientific and medical knowledge. The broadcaster is satisfied the consensus of Irish and international medical public health advice is that the benefits of Covid-19 vaccines outweigh the risks and that these vaccines contribute to reducing the risk of serious illness, hospitalisation and death. The broadcaster is of the view the discussion was fair to all interests and clearly reflected the fact that there are circumstances in which someone may not be able to get a Covid-19 vaccine. The broadcaster notes that various contributors expressed the view that it is any individual's right to choose whether to get vaccinated or not.

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 rules 4.1 and 4.2 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which requires that current affairs be presented in an objective and impartial manner and without any expression of the broadcaster's own views. The Code also requires broadcasters to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability, in the treatment of news and current affairs.

The broadcast featured a discussion on Covid-19 vaccination take-up by players in the Irish football team in the context of considerable public debate about one player who chose not to get a Covid-19 vaccine. The broadcast included a recording of that player speaking about his reasons for not taking a Covid-19 vaccine, followed by a panel discussion on this and related matters.

The Forum considered whether the broadcast did not meet the legislative and Code requirements of fairness, objectivity and impartiality because all three contributors supported taking Covid-19 vaccines.

The Forum noted the discussion in the programme was wide-ranging and extended beyond one footballer's decision not to have a Covid-19 vaccine into a wider conversation about why athletes may not be inclined to have the vaccination and how the uptake in vaccination will affect the ability of sports teams to take part in matches. The Forum was of the view that the editorial approach to this topic was not a pro-vaccination versus anti-vaccination debate but a broader discussion on Covid-19 vaccinations and sports. The Forum noted the views of the players in the Irish football team who have chosen not to get a Covid-19 vaccine were included in the broadcast and the reasons why some people may choose not to get the vaccine were also discussed. Considering the chosen topic and the editorial approach to it, the Forum was satisfied the featured contributors provided a wide variety of views for the audience on the topic.

The Forum decided the broadcast did not infringe the relevant provisions of the Broadcasting Act 2009 or the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. On this basis, the Forum rejected the complaint.

Complaint Reference Number	**C5562**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Liveline
Broadcast Date	6th October 2021
Broadcast Time	14:45
Programme Description	Live phone in programme covering various topics
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality); BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rule 4.19; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); BAI Code of Programme Standards, Principle 5.

Complaint Summary

The complaint concerns a discussion on the programme about an Irish footballer choosing not to have a Covid-19 vaccination.

The complainant believes the content was biased and partisan, in particular, when the presenter expressed an opinion that people who are not vaccinated should stay at home and keep away from people who are vaccinated. The complainant also believes that it was inaccurate of the presenter to state that every medic in the world agreed that the vaccine was safe.

The complainant is of the view that comments from callers and comments made by the presenter were incendiary, divisive and discriminatory against people who have chosen not to get vaccinated. The complainant believes comments made by the presenter were an attempt to divide people based on whether they have been vaccinated.

Broadcaster Response Summary

The broadcaster believes the broadcast was fully compliant with all the statutory and regulatory provisions and RTÉ's own guidelines and rejects the complainant's assertion that the presenter's comments were contrary to the Code of Programme Standards.

The broadcaster notes that the presenter listened and engaged with all callers in a respectful manner throughout the programme and stated that he respects all people's opinions.

The broadcaster further notes that the presenter has a responsibility to challenge misinformation and ensure callers are factually correct. The broadcaster states that, throughout the programme, the presenter relied on the medical evidence provided by the World Health Organisation, the Health Service Executive, the European Medicines Agency and the National Public Health Emergency Team about the safety and effectiveness of the COVID-19 vaccine. The broadcaster notes that the presenter remarked that it was the policy of the country to get vaccinated to help others, that he trusted medical experts and scientists more than himself and that he listens to medics when they tell him all the evidence supports the vaccine.

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 broadcast featured a discussion, involving callers to the programme, about an Irish footballer choosing not to get a Covid-19 vaccine.

The Forum noted the complaint was submitted under rule 4.19 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which requires that views and facts must not be misrepresented or presented in such a way as to render them misleading.

The Forum first considered whether the broadcast was biased and partisan and whether the presenter expressed his own opinion such that a partisan position was advocated. The Forum noted that the Code recognises some current affairs output can be synonymous with personalities, where the nature and style of the presenter is a key factor in what engages audiences and draws them into consideration and discussion on matters of public controversy and current public debate. The Forum is of the view that Liveline is such a programme and, in this context, there is a responsibility on the presenter to guard against using the programme to pursue an agenda. The Forum noted the discussion in this broadcast included a range of different views on the choice of whether to have a Covid-19 vaccination. The discussion included the views of a caller who had chosen not to get a vaccine and who was provided with ample opportunity to discuss the reasons for this choice. The Forum was satisfied the broadcast, in whole and in context, was not biased or partisan and the presenter did not advocate a partisan position or pursue an agenda.

The Forum then considered whether the presenter's reference to "every medic" agreeing that Covid-19 vaccinations were safe constituted a view or fact that would be misleading for the audience. The Forum noted the presenter, later in the broadcast, qualified this view by stating that experts "almost without exception" accepted that Covid-19 vaccinations were safe. The Forum was of the view the presenter was attempting to describe the significant medical consensus there is on this issue and, considering the nature of the discussion in whole and in context, and the Forum thought it was reasonable to expect the audience to understand that point. The Forum did not believe the audience would have been misled by the presenter's comments in this regard.

The complaint was also submitted under Principle 5 of the Code Programme Standards, which provides 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. This Principle also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Forum considered whether the broadcast contained incendiary, divisive and discriminatory content.
The Forum noted discussion included robust opinion and commentary from callers and frequent challenging of views by the presenter of the programme. The Forum was of the view that the discussion included a range of views, including the views of some who have chosen not to get a

Covid-19 vaccine. The Forum believed the discussion was typical of the type of exchanges audiences expect of caller-driven programmes such as Liveline. The Forum noted the presenter's style and approach is well-known and established and the Forum was of the view that his presentation of this broadcast was in line with audience expectations of the programme. The Forum also noted that people who are not vaccinated are not a particular group in society that is given specific protection under equality legislation. The Forum did not believe the broadcast stigmatised, supported or condoned discrimination against a group in society or that it incited hatred against a group in society.

The Forum decided the broadcast did not infringe the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Forum rejected the complaint.

Complaint Reference Number	**C5564**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Liveline
Broadcast Date	6th October 2021
Broadcast Time	14:45
Programme Description	Live phone in programme covering various topics
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality); 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); BAI Code of Programme Standards - Principle 5.

Complaint Summary

The complaint concerns a discussion on the programme about an Irish footballer choosing not to have a Covid-19 vaccination.

The complainant believes the broadcast was not impartial and was not fair to all interests concerned because it did not include any informed scientific analysis of vaccinations, the presenter expressed an opinion and the presenter's attitude throughout the broadcast and his treatment of people was unfair. The complainant maintains that the presenter was not impartial when expressing an opinion that people who are not vaccinated should stay at home and stay in their bedrooms. The complainant notes that this is not public health advice and believes this comment was not fair to people who have chosen not to be vaccinated or to those who regard people as having an innate dignity and humanity which must be respected. The complainant claims the presenter repeatedly interrupted people who tried to explain why they or others had chosen not to be vaccinated, whipped up sentiment on an emotive issue and engaged in childish finger pointing.

The complainant also believes the presenter's comment was likely to cause offence to people who have chosen not to get vaccinated and may have caused those people harm in being "pilloried" in the broadcast. The complainant believes this denigrates people for choices they are entitled to make and disunites people by feeding into a trend of dehumanising people and characterising a cohort of society as being a threat to the rest of society.

Broadcaster Response Summary

The broadcaster believes the broadcast was fair to all interests and was fully compliant with all statutory and regulatory provisions and RTÉ's own guidelines.

The broadcaster notes that this is a caller driven programme which features a range of opinions, and it is not a news programme.

The broadcaster maintains that all callers were treated in a respectful manner by the presenter and noted the debate featured callers who decided not to take the Covid-19 vaccine and these people were given adequate time to share their stories and debate with other callers on the issue.

The broadcaster acknowledges the presenter said that unvaccinated people should "stay in their bedrooms" but is of the view that this was "part of the cut and thrust of the debate". The broadcaster noted the presenter also said that he respected all people's opinions.

The broadcaster notes that it is entitled to give due weight to the consensus of medical and scientific knowledge and there is consensus among public health experts here and abroad that Covid-19 vaccines greatly reduce the risk of getting Covid-19 and they are highly effective at preventing deaths and serious illness from Covid-19. The broadcaster believes the presenter, throughout the programme, relied on the medical evidence provided by the World Health Organisation, Health Service Executive, the European Medicines Agency and the National Public Health Emergency Team about the safety and effectiveness of the Covid-19 vaccine. The broadcaster also believes the presenter rightly challenged some callers to avoid broadcasting misinformation about the Covid-19 vaccine and other vaccines.

The broadcaster further notes that there is a well-established audience expectation for the programme and the manner and style of the presenter, which is often reflected in robust exchanges and provocative and challenging comments designed to draw out the arguments.

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 broadcast featured a discussion, involving callers to the programme, about an Irish footballer choosing not to get a Covid-19 vaccine.

The Forum noted the complaint was submitted under rule 4.1 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which requires current affairs to be presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The Forum first considered whether the broadcast was impartial or not fair to all interests concerned because it did not include any scientific analysis of vaccinations. The Forum noted that this is a caller-driven programme that facilitates members of the public sharing opinion and debating the issues of the day. The Forum noted the Code does not require specific contributors to be included in a broadcast to meet the requirements of impartiality and fairness but does require an equitable and proportionate approach to handling different viewpoints. The Forum noted the broadcast did not include an expert opinion on Covid-19 vaccines, but the presenter did draw on authoritative sources of information in his comments, questions and challenges to callers to the programme. The Forum was of the view that this is a legitimate editorial approach to the topic in this context and was satisfied there was no infringement of the Code, in this regard.

The Forum then considered whether the broadcast was impartial or not fair to all interests concerned because of the presenter's comments on the topic and his treatment of contributors. The Forum noted that, within the context and style of the programme and the audience expectations of the programme, the presenter provided personal opinions and comments to engage listeners and provoke debate and involvement in the programme. The Forum was of the view the broadcaster played devil's advocate in questioning the opinions of callers and drew on authoritative sources of information on the topic to challenge false information in the broadcast. The Forum noted the Code does not require broadcasters to cover alternative viewpoints to the consensus opinion of public health experts on Covid-19 vaccines to meet the requirements of fairness, objectivity and impartiality and, in fact, there may be times when such coverage is contrary to those requirements. Considering the programme in whole and in context, the Forum was satisfied the presenters comments and treatment of contributors did not infringe on the requirements of fairness, objectivity and impartiality.

The Forum noted the complaint was also submitted under Principle 5 of the Code Programme Standards, which 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 Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Forum considered whether the broadcast contained content contrary to the above-mentioned Principle. The Forum was of the view that the discussion included a range of views, including the views of some who have chosen not to get a Covid-19 vaccine. The Forum believed the discussion was typical of the type of exchanges audiences expect of caller-driven programmes such as Liveline. The Forum noted the presenter's style and approach is well-known and established and the Forum was of the view that his presentation of this broadcast was in line with audience expectations of the programme. The Forum also noted that people who are not vaccinated are not a particular group in society that is given specific protection under equality legislation. The Forum did not believe the broadcast stigmatised, supported or condoned discrimination against a group in society or that it incited hatred against a group in society.

The Forum decided the broadcast did not infringe the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Forum rejected the complaint.

Complaint Reference Number	**C5565**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	The Ryan Tubridy Show
Broadcast Date	10th September 2021
Broadcast Time	09:00
Programme Description	Magazine style programme with news, views and interviews
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1 and 4.22; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principle 5.

Complaint Summary The complaint refers to comments made by the presenter in relation to people who are not vaccinated.

The complainant claims that the presenter remarked that people who are not vaccinated should "get out, and you're not invited, and you're disinvited because you're a greater risk to everyone else", in the context of discussing attendance at social events, such as weddings.

The complainant believes that comments made by the presenter were discriminatory, incited hatred and directly endorsed the exclusion of people who are not vaccinated from normal social events.

The complainant claims that it is inaccurate to say that people who are not vaccinated present a greater risk than people who are vaccinated, stating that vaccines do not stop people from spreading or getting the virus. The complainant also maintains that the presenter was expressing his personal views.

Broadcaster Response Summary

The broadcaster notes the programme is a magazine, entertainment show and the segment complained of is a regular item in which the presenter reflects on topical issues covered in newspapers or other media. In this instance, the broadcaster claims the presenter was reflecting on reports that wedding guests in New York were requested to be vaccinated or to have a Covid test or both.

In relation to the remark referenced in the complaint, the broadcaster maintains that it would have been clear to listeners that the presenter was not making a personal statement but reflecting the approach of some people in New York.

The broadcaster rejects the complainant's assertion that the presenters' remarks on weddings constituted incitement to hatred or discrimination against people who are not vaccinated.

The broadcaster believes this segment of the programme was not news or current affairs and, therefore, the provisions of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs do not apply.

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 broadcast was a newspaper review during which the presenter commented on a story from New York City of wedding planners noting that a couple are now including instructions in wedding invitations for guests to be vaccinated or tested for Covid-19 or both before attending their wedding. The presenter remarked that couples, "obviously don't want a superspreading event and they don't want somebody coming along with the mark of Cain going, 'I don't believe in the vaccine', well then get out and you're not invited, and you're disinvited because you're a greater risk to everyone else". The presenter commented that in the USA it is "50/50 nearly" as to whether people are vaccinated or not and speculated that these wedding invitations likely cause friction and arguments between people.

The complaint was submitted under Principle 5 of the Code of Programme Standards, 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 Forum noted the news story covered in the broadcast was changing wedding invitation etiquette in New York in the context of Covid-19. The Forum considered the remark made by the presenter in relation to people not being invited or disinvited to weddings as giving expression to the views of couples issuing wedding invitations who were featured in a news story covered in the broadcast. The Forum noted that, at the time of broadcast, the use of Covid-19 vaccination certificates to enter certain establishments was a matter of public health policy in Ireland and in other countries and was based on the views of scientific and medical experts with the aim of protecting public health and health services. The Forum is of the opinion that it is editorially legitimate, in this context, to comment on or reflect the views of those who did not want to invite people without a Covid-19 vaccine to a private gathering. The Forum noted that people who are not vaccinated, for whatever reason, are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code. Considering the broadcast in whole and in context, the Forum did not find the broadcast stigmatised, supported or condoned discrimination or incited hatred against persons or groups in society.

The complaint was submitted under rules 4.1 and 4.22 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires current affairs to be presented in an objective and impartial manner and without any expression of the broadcaster's own views. The Code provides that current affairs presenters shall not express their own views such that a partisan position is advocated.

The Forum considered the presenter's remark that people who are not vaccinated are a "greater risk" to everyone as giving expression to the views of couples issuing wedding invitations, who were featured in news story covered in the broadcast. The Forum was of the opinion the audience would have understood the presenter's remark in this context. The Forum was satisfied the remark made by the presenter did not constitute an expression of a personal opinion such that a partisan position was advocated on the news story covered. The Forum also found no evidence in the broadcast of inaccuracy in how the broadcast covered the news story in question.

The Forum decided the programme had not infringed the relevant provisions of the Broadcasting Act, 2009, the Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the Code of Programme Standards. On this basis, the Forum rejected the complaint.

Complaint Reference Number	**C5566**
Complainant	[redacted]
Station	Newstalk 106 – 108fm
Programme Name	The Pat Kenny Show
Broadcast Date	8th October 2021
Broadcast Time	09:00
Programme Description	Current affairs
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principle 5

Complaint Summary

The complaint concerns a letter from a listener regarding people who do not have a Covid-19 vaccine.

The complainant states that the presenter read out a letter from a listener who complained that people who do not have a Covid-19 vaccination would have the same rights as people who are vaccinated after the government was due to lift certain public health restrictions. The complainant believes the contents of the letter were discriminatory, segregationist, inflammatory and incited hatred. The complainant claims that people who are not vaccinated were referred to as "lunatics" in the broadcast and that the broadcast suggested such people do not deserve our respect or deserve equality.

The complainant maintains the reading of the letter made it clear the presenter supports the views expressed in the letter and that this was a means for the presenter to disseminate his own prejudices and hatred against certain groups. The complainant believes that these views were further amplified by using clips from the public supporting these ideas.

Broadcaster Response Summary

The broadcaster states that the letter read out by the presenter expressed the views of a listener, not the views of the presenter or the broadcaster. The report that followed included a variety of views on the subject, including many expressing the right of those who are not vaccinated to remain so. The broadcaster is of the view that the presenter reading the letter was appropriate in the context of the role of the presenter 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 who cannot, or choose not to, participate in the programme.

The broadcaster does not accept that reading the letter on-air amounted to incitement to hatred as claimed by the complainant or that it breached any Irish law or 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 broadcast contained an item where the presenter read out a letter from a listener which expressed the listener's concerns about people who are vaccinated against Covid-19 socially mixing

with people who are not vaccinated after the intended lifting of public health restrictions on 22nd October 2021. The letter was a device to introduce the topic and was followed by a report containing the views of a selection of members of the public, which was then followed by the presenter reading out comments from listeners' texts and responding to them.

The Forum noted the complaint was submitted under Principle 5 of the Code Programme Standards. 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 Forum noted the focus of the item was on the views of the public in relation to the upcoming changes to public health restrictions and the broadcast featured a variety of perspectives, from those who were fearful about mixing with people and did not intend to do any socializing to those who expressed excitement about being able to go to indoor entertainment and events. The broadcast also included a range of people's views on their level of comfort about mixing with people who are not vaccinated and whether the restrictions for those people ought to be lifted or changed.

The Forum noted that it has been public policy in this country to have different public health restrictions in place for people based on their Covid-19 vaccination status. The Forum is of the view that it is a legitimate editorial approach for a broadcast to cover the publics' views on matters of public policy, including views in support of and in opposition to public policy. The Forum believed broadcasting the views of people who support a public policy of restrictions for those who are not vaccinated is not, in and of itself, evidence of the broadcast supporting or condoning discrimination or inciting hatred against unvaccinated people. The Forum noted that broadcasting differing views on public policy is a critical part of public debate on issues of importance in a democratic society.

The Forum then considered whether the language used in the broadcast infringed the Code in the manner specified in the complaint. The Forum noted the letter read by the presenter referred to "lunatics taking over the asylum". The Forum understood this as referring to people who choose not to have a Covid-19 vaccine because they do not believe the views of the scientific and public health experts on the safety and effectiveness of the vaccines, and as also referring to those in political power who decided to lift restrictions for people who are not vaccinated. The Forum also noted the letter included an opinion that people who are not vaccinated do not deserve our respect or deserve equality. The Forum understood this to be about the letter writer's opinion that people who are not vaccinated should not be allowed into certain public spaces.

The Forum noted the opinions of the letter-writer were strongly expressed, however, the broadcast followed this with a range of other opinions on the matter. The Forum found no evidence in the broadcast that the letter-writer's opinions were those of the presenter or the broadcaster. The Forum considered the context of the broadcast and was of the view that the content was in keeping with the nature of the programme and the style of the presenter and the audience would expect content of this type, which was designed to provoke participation from listeners. Considering the broadcast in whole and in context, the Forum did not believe the language used in the broadcast stigmatised, supported or condoned discrimination or incited hatred against persons or groups in society. The

Forum noted that people who are not vaccinated, for whatever reason, are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code.

The Forum decided the broadcast did not infringe the relevant provisions of the Broadcasting Act 2009 or the BAI Code of Programme Standards. Accordingly, the Forum rejected the complaint.

Complaint Reference Number	**C5568**
Complainant	[redacted]
Station	Newstalk 106 – 108fm
Programme Name	The Pat Kenny Show
Broadcast Date	11th October 2021
Broadcast Time	09:00
Programme Description	Current affairs
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.19, 4.22 and 4.23; and, Broadcasting Act 2009 – Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principles 2, 3 and 5.

Complaint Summary

The complaint concerns an interview with Dr. Colm Henry, Chief Clinical Officer of the HSE, on matters related to the Covid-19 pandemic.

The complainant claims that the inclusion of a medical doctor in the broadcast gave undue scientific/medical credibility to what the complainant believes are false assertions regarding the ostracization of people based on their Covid-19 vaccine status. The complainant believes that the views expressed in the broadcast that people who are not vaccinated should not mix with people who are vaccinated are unscientific and divisive.

The complainant states that the presenter was demeaning in his comments about people who are not vaccinated and promoted their exclusion from society. The complainant states that the presenter expressed dismay that such people would be mixing with those who have been vaccinated. The complainant claims that the presenter later asserted that people who are not vaccinated would potentially be depriving other patients of a hospital bed. The complainant observed that the presenter suggested a policy of "no jab, no job" for such staff of care homes and stated that those who are not vaccinated "have no place in the health service", despite the interviewee having noted that it was likely fully vaccinated visitors and staff were infecting residents of care homes The complainant assumes that the context of the interview was intended to be a scientific/public-health one, however, the complainant believes the content was speculative and prejudiced and not supported by data.

The complainant maintains that the presenter's comments were discriminatory, incited hatred and supported the exclusion of certain people from normal life. The complainant claims that the presenter referred to people who declined vaccines as "crazies". The complainant believes the labelling of people as "unvaxxed", "selfish" and "crazies" is demeaning and harmful to listeners. The complainant maintains that the content of the broadcast was potentially damaging to the health and safety of the public, in that it promoted the social exclusion of individuals based on medical history.

The complainant believes the broadcast was misleading in suggesting that people who have not had a Covid-19 vaccination are "crazies", that people who are not vaccinated are depriving patients of

hospital beds and the presenter implying that people are not vaccinated are irresponsible or not health conscious. The complainant believes these comments are misleading because it was also stated in the interview that vaccine efficacy is waning and that fully vaccinated people are transmitting the virus and infecting others.

The complainant the broadcast did not facilitate or discuss a wide variety of views on the subject. The complainant states the broadcast did not include any representation of people who are not vaccinated despite there being many legitimate reasons for not being vaccinated. The complainant believes the broadcast demonstrated tacit support for segregating people and limiting people's activities based on their vaccination status, which the complainant believes is a view not based on data.

The complainant believes the broadcast was not impartial, objective or fair and that it presented a single-minded view of an extremely complex situation and sought to discredit anyone holding an alternative view. The complainant claims the broadcast promoted a false narrative around hospital "bed-blocking" with no evidence to support this and not airing evidence to the contrary.

Broadcaster Response Summary

The broadcaster states that this interview with Dr. Colm Henry covered a wide variety of issues including the risk to those not vaccinated and the fact that, for medical reasons, some cannot take the vaccine.

The broadcaster notes that a "vaccine bonus" was not new at the time of broadcast and was in place at the time with the use of the Digital Covid Certs.

The broadcaster states that it is an important part of the presenter's role, during a current affairs programme, to ask critical questions and to reflect the views of those who cannot or choose not to participate, which sometimes involves conveying critical views and asking robust questions. The broadcaster believes the way the presenter conducted the interview was appropriate in this context.

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 broadcast was an interview with Dr. Colm Henry, Chief Clinical Officer of the HSE, on matters related to the Covid-19 pandemic, including the rise in the number of people in Intensive Care Units (ICU) with Covid-19, two-thirds of people in ICU being unvaccinated, and HSE talks with private hospitals to address a record waiting list. The interview was conducted in the context of the Government plan to lift Covid-19 public health restrictions on 22nd October 2021.

The complaint was submitted under rules 4.19 and 4.22 and 4.23 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs ("the News and Current Affairs Code"), which provides that views and facts must not be misrepresented or presented in such a way as to render them misleading. Current affairs presenters shall 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 News and Current Affairs Code also provides that 'personal view' or 'authored' current affairs segments or programmes are permitted but must comply with the statutory obligations to be impartial, objective and fair to all interests concerned.

The Forum considered the manner in which views and facts were presented in the broadcast. The Forum noted the interviewee, as a representative of the HSE, was asked to provide his view on the impact of Covid-19 on the health service. The interviewee provided factual information in relation to the situation and the perspective of the HSE on the implications for public policy, which included some discussion about the public policy in this country to have different public health restrictions in place for people based on their Covid-19 vaccination status. The Forum believes it is a legitimate editorial approach to discuss this public policy with scientific, medical and public health experts and for the public to hear their views. The Forum believes the audience would have understood they were hearing the views of a representative of the health service on this topic. The Forum found no evidence in the broadcast of views or facts that were presented or misrepresented in such a way that would mislead the audience on the issues discussed.

The Forum then considered the role of the presenter in the broadcast. The Forum noted that the complaint appears to suggest that certain questions asked by the presenter, in relation to hospital beds and mandatory vaccinations for care workers, for example, amounted to the presenter expressing his own views on the subject. The Forum was of the view that the presenter's questions were appropriate for providing a range of views on the subject matter and found no evidence in the broadcast to suggest the presenter had expressed his own views such that a partisan position was advocated.

The Forum went on to consider the range of views in the broadcast. The Forum noted that the News and Current Affairs Code does not require programmes to feature all viewpoints on an issue to be fair in its treatment of a subject or for there to be an "artificial balance" of viewpoints. An example of artificial balance may be including the views of people who do not believe matters of established fact or scientific consensus. The Forum was satisfied that the presenter's approach and questions provided an appropriate range of views on the topic, which included factual information and the views of a medical professional on the potential harms for people who are not vaccinated against Covid-19.

The complaint is also submitted under Principles 2, 3 and 5 of the Code Programme Standards. The Code of Programme Standards 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. Broadcasters are required to take due care to ensure audiences are not exposed to harmful content and to provide adequate information to audiences to allow them to make informed choices about what they listen to and watch. The Code of Programme Standards provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Forum considered whether the comments and views expressed in relation to public health restrictions for people who are not vaccinated could have infringed on any of the above-mentioned

provisions of the Code of Programme Standards. The Forum noted that it has been public policy in this country to have different public health restrictions in place for people based on their Covid-19 vaccination status. The Forum is of the view that it is editorially legitimate to broadcast the views of a representative of the country's health service on such public health policy matters and to question and analyse the benefits and risks of any such policies. The Forum considers broadcast content of this nature to play a vital role in public debates on matters of national policy in a democratic society. The Forum acknowledges the complainant may not agree with a policy of public health restrictions for people who are not vaccinated against Covid-19 and may be offended by people expressing support for that policy, however, the Code of Programme Standards is not intended to be used to stifle expression of views when discussing matters of public importance.

The Forum then considered whether the language used in the broadcast infringed the Code of Programme Standards in the manner specified in the complaint, in particular, terms such as "crazies", "selfish" and "un-vaxxed". In the context of the interview, the Forum understood the term "un-vaxxed" as referring to people who have not had a Covid-19 vaccine and the term "crazies" as a reference to people who are choosing not to have a Covid-19 vaccine because they do not believe the scientific consensus on their safety and efficacy. In the broadcast, the latter group were described as "selfish" on the basis that a decision not to be vaccinated has an impact on the rest of society.

The Code of Programme Standards 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, taking into account 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 Code of Programme Standards regards harm as being less subjective than offence and harmful content is that which causes, mental, psychological or physical harm.

The Forum did not believe the language used in the broadcast caused harm, as it is defined in the Code of Programme Standards.

The Forum was of the opinion that some of the language used to describe people who choose not to have a Covid-19 vaccine could cause offence to some, in particular, the term "crazies". The Forum was of the view the discussion in this broadcast was generally held in a calm and moderate manner. The Forum noted the broadcast included views that were sympathetic towards people who are unable to receive a Covid-19 vaccination due to medical reasons. Taking into account the nature of the programme, the established style and approach of the presenter and the audience expectations of the programme, the Forum was of the view the language used would not have caused undue offence.

The Forum noted that people who are not vaccinated, for whatever reason, are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code of Programme Standards. Considering the broadcast in whole and in context, the Forum did not believe the language used in the broadcast stigmatised, supported or condoned

discrimination against any person or group in society. The Forum found no evidence in the broadcast of incitement to hatred and noted no reference in the complaint to the aspects of the content that would constitute such incitement.

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

Complaint Reference Number	**C5569**
Complainant	[redacted]
Station	Midlands 103
Programme Name	Breakfast with Ann Marie
Broadcast Date	21st October 2021
Broadcast Time	06:30-09:00am
Programme Description	News Bulletin during this magazine style programme which covers news, 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 and 4.22; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principle 5.

Complaint Summary

The complaint concerns a news segment in which a professor of Immunovirology made comments about those not vaccinated against Covid-19.

The complainant believes that the news item included comments made by Professor Liam Fanning of UCC in which he made highly divisive and discriminatory comments against those who are not vaccinated or who cannot be vaccinated on medical grounds. The complainant believes that the item could have been balanced by citing objective scientific evidence to ensure that listeners were not misled by his comments.

Broadcaster Response Summary

The broadcaster states that the item complained of was featured on their main 9am news bulletin and because of time constraints cannot feature live interviews but relies on scripted news delivery and short audio contributions of 20-30 seconds duration. The broadcaster states that the audio in this case was pre-recorded as is standard industry practice for news bulletins. The broadcaster maintains that it is not practical to reflect a full breadth of views on every subject within individual news bulletins, given the time limits and availability of contributors. The broadcaster notes that balance can be achieved over a number of broadcasts and claims this was done over the course of the day.

The broadcaster states that the news item included guidelines for the re-opening of the hospitality sector, along with a short audio of comments by Professor Fanning on the use of vaccine certificates. The Professor's comments included '... *Make it socially impossible for individuals who are unvaccinated... and by that I really mean anybody who's over 12... I know they have to depend on parental consent, 12 – 15... but if they want to go into McDonalds or if they want to go anywhere that requires social engagement, they too have to show a COVID cert... I would nearly go so far as, you know, if you want to go into the chemist, you have to show your COVID cert'.*

The broadcaster does not believe these views can be reasonably described as threatening, abusive or insulting behaviour.

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 broadcast is a news bulletin on the upcoming new public health guidelines for bars, nightclubs and live venues. The bulletin included a clip from a recorded interview with a Professor of Immunovirology at UCC in which the Professor advocates for making Covid-19 vaccine certificates mandatory for many social interactions.

The complaint was submitted 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 news items be presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of news, broadcasters shall comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. The Code also provides that current affairs presenters shall 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 Forum noted the news bulletin included the opinion of an academic expert on the use of Covid-19 vaccination certificates in the context of the Government lifting the restrictions on people who are not vaccinated from entering bars and restaurants and the re-opening of nightclubs and live venues. The Forum was of the opinion that it is editorially legitimate to include the opinion of a relevant expert on a matter of public health policy. The Forum believed the audience would have understood that this was the opinion of a relevant expert and would not have been misled by the broadcast on the news story. The Forum found no basis to believe the broadcast was not objective or impartial.

The Forum noted the broadcast was a news bulletin and was not current affairs programme, therefore, the provisions of rule 4.22 in relation to the role of the current affairs presenter to provide a wide variety of views was not applicable.

The complaint was submitted under Principle 5 of the Code of Programme Standards, which 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 of Programme Standards also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Forum considered whether the view expressed in relation to public health restrictions for people who are not vaccinated could have infringed on any of the above-mentioned provisions of the Code of Programme Standards. The Forum noted that, at the time of broadcast, it had been public policy in this country to have different public health restrictions in place for people based on their Covid-19 vaccination status. The view expressed by the academic expert in the bulletin was for a continuation or expansion of that policy.

The Forum is of the opinion that it is editorially legitimate to broadcast the views of an academic expert on public health policy matters and broadcasting such views is not evidence, in and of itself, of content that supports or condones discrimination or incites hatred against unvaccinated people. The Forum noted that people who are not vaccinated, for whatever reason, are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code. The Forum noted that the Code of Programme Standards is not intended to be used to stifle expression of views when discussing matters of public importance.

The Forum decided the broadcast had not infringed the relevant provisions of the Broadcasting Act 2009, the Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the Code of Programme Standards. Accordingly, the Forum rejected the complaint.

Complaint Reference Number	**C5571**
Complainant	[redacted]
Station	RTÉ One
Programme Name	The Today Show
Broadcast Date	2nd November 2021
Broadcast Time	16:30
Programme Description	Magazine style 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 a segment of the programme in which a psychotherapist was providing advice on relationship issues sent in by programme viewers.

The complainant claims that the psychotherapist, in responding to one issue related to a husband's refusal to be vaccinated putting a strain on the couples' relationship, gestured with her hands to suggest the couple should separate. The complainant states the psychotherapist suggested the woman go to a pharmacist or a doctor who would advise the husband.

The complainant believes the psychotherapist's view is prejudiced towards people who are not vaccinated and is highly divisive and discriminatory.

Broadcaster Response Summary

The broadcaster notes that the broadcast is a magazine programme with a well-established audience expectation for a range of lifestyle and topical issues, including a regular guest appearance by psychotherapist, Isobel Mahon, who answers questions from audience members, typically on relationship issues and personal matters.

The broadcaster states that the complainants view that the psychotherapist advised the couple to separate is factually inaccurate and unfounded. The broadcaster states that the psychotherapist pointed out that the vaccination issue could strain the relationship and result in separation but at no stage in the broadcast did the psychotherapist offer advice that the couple should separate.

The broadcaster is of the view that a conversation of the kind in the broadcast does not constitute hate speech or discrimination and that people are entitled to discuss the question of vaccination status in the manner it was discussed in 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 Code, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The broadcast was a feature with a regular contributor, a psychotherapist, who responds to viewers seeking personal and relationship advice. The presenter read out a letter from a viewer who was

seeking advice on her relationship, which had been affected by her partner choosing not to have a Covid-19 vaccine.

The complaint was submitted under Principle 5 of the Code Programme Standards. The Code provides that programme material shall not stigmatise, support or condone discrimination against persons or groups in society.

The Forum noted the psychotherapist's advice was directed to a particular individual who had asked for that advice, and it was not intended as general advice in relation to people who are not vaccinated. The Forum did not interpret the gesture made by the psychotherapist as suggesting the couple in question should separate. The Forum noted that people who are not vaccinated, for whatever reason, are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code of Programme Standards. The Forum found no evidence in the language or the advice or any other aspect of the broadcast content that could be considered stigmatizing, or supporting or condoning discrimination against persons or groups in society.

The Forum decided the broadcast did not infringe the relevant provisions of the Broadcasting Act 2009 or the BAI Code of Programme Standards. Accordingly, the Forum rejected the complaint.

Complaint Reference Number	**C5585**
Complainant	[redacted]
Station	Newstalk 106 – 108fm
Programme Name	The Pat Kenny Show
Broadcast Date	11th October 2021
Broadcast Time	09:00
Programme Description	Current affairs
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1, 4.2, 4.19, 4.21 and 4.29.

Complaint Summary

The complaint concerns an interview with Dr. Colm Henry, Chief Clinical Officer of the HSE, on matters related to the Covid-19 pandemic.

The complainant maintains that the presenter's comments against people who are choosing not to have a Covid-19 vaccine were discriminatory, incited hatred and supported the exclusion of certain people from normal life. The complainant claims that the presenter referred to such people as "crazies". The complainant believes the labelling of people as "crazies" is demeaning and harmful to listeners and that the content of the broadcast was potentially damaging to the health and safety of the public, in that it promoted the social exclusion of individuals based on medical history.

Broadcaster Response Summary

The broadcaster states that the interview with Dr. Colm Henry covered a wide variety of issues, including the risk to those not vaccinated and the fact that, for medical reasons, some cannot take the vaccine.

The broadcaster notes that a "vaccine bonus" was not new at the time of broadcast and was in place at the time, with the use of the Digital Covid Certs. The broadcaster states that it is an important part of the presenter's role, during a current affairs programme, to ask critical questions and to reflect the views of those who cannot or choose not to participate, which also involves robust questioning. The broadcaster believes the manner in which the presenter conducted the interview was appropriate in this context.

The broadcaster does not accept that this item infringed any provision of the Broadcasting Act 2009 or related 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 broadcast was an interview with Dr. Colm Henry, Chief Clinical Officer of the HSE, on matters related to the Covid-19 pandemic, including the rise in the number of people in Intensive Care Units (ICU) with Covid-19, two-thirds of people in ICU being unvaccinated, and HSE talks with private hospitals to address a record waiting list. The interview was conducted in the context of the Government plan to lift Covid-19 public health restrictions on 22nd October 2021.

The Forum noted the complaint was submitted under Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.2, 4.19, 4.21 and 4.29. The Code requires current affairs to be presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of current affairs, broadcasters shall 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. News presenters and reporters may not express their own views on matters of public controversy or the subject of current public debate. The Code also provides that broadcasters shall have due regard to guidance in respect of legal requirements under this Code.

The Forum noted the interviewee, as a representative of the HSE, was asked to provide his view on the impact of Covid-19 on the health service. The interviewee provided factual information in relation to the situation and the perspective of the HSE on the implications for public policy, which included some discussion about the public policy in this country to have different public health restrictions in place for people based on their Covid-19 vaccination status. The Forum believes it is a legitimate editorial approach to discuss this public policy with scientific, medical and public health experts and for the public to hear their views. The Forum believes the audience would have understood they were hearing the views of a representative of the health service on this topic. The Forum found no evidence in the broadcast of views or facts that were presented or misrepresented in such a way that would mislead the audience on the issues discussed.

The Forum also considered the presenter's use of the word "crazies" in the broadcast. The Forum understood the term, in the context of the broadcast, as referring to people who choose not to have a Covid-19 vaccine because they do not believe the scientific consensus on the vaccine's safety and efficacy. The Forum accepted that this term could cause offence to some listeners, however, the Forum also acknowledged there may be occasions where the language, tone and approach by the presenter is used to challenge an interviewee and provoke animated discussion on a topic. Considering the nature of the programme, the established style and approach of the presenter and the audience expectations of the programme, and noting the interview overall was held in a calm and moderate manner, the Forum found the use of this term did not infringe the requirements of fairness, objectivity and impartiality in the Code.

The Forum noted the broadcast was a current affairs programme and not a news item and therefore, rule 4.21, in relation to news presenters or reporters not expressing their own views, was not applicable.

The Forum found the complainant made no case that the broadcaster did not have due regard to guidance in respect of legal requirements under this Code, as provided for at rule 4.29.

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

Complaint Reference Number	**C5595**
Complainant	[redacted]
Station	Virgin Media One
Programme Name	The Tonight Show
Broadcast Date	21st October 2021
Broadcast Time	22:00
Programme Description	Current affairs
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1 and 4.22; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principle 6.

Complaint Summary

The complaint concerns comments made by a news reporter and panellists when discussing Covid-19 vaccinations and the further lifting of government restrictions.

The complainant states that the news reporter made statements relating to the risk that those not vaccinated pose to others, which the complainant believes were misleading and lacked any supporting scientific evidence. The complainant claims that the reporter stated that the 'unvaccinated' were the cause of uptake in Covid cases and emphasised that those not vaccinated had to restrict their movements in the run up to Christmas.

The reporter's statement about locking those not vaccinated out of friends' homes could be construed as incitement to hatred.

The complainant states that the presenter failed to correct the reporter's statements. The complainant also claims that one of the panellists made specific reference to those who choose not to get vaccinated.

The complainant claims there were no balancing arguments aired in favour of people who cannot get vaccinated.

Broadcaster Response Summary

The broadcaster notes that one of the contributors on the panel was their news correspondent, who relayed the latest information from a NPHET public health briefing in respect of the re-opening of society. The broadcaster states that this contributor reported on comments made by the senior NPHET advisor, Cillian de Gascun, who expressed his concerns with people who are not vaccinated meeting in indoor settings with the lifting of the restrictions and in the run up to Christmas, advising that difficult conversations would be had with friends who choose not to be vaccinated. The broadcaster states that Ms. King was not offering her opinion but relaying details of the NPHET briefing.

The broadcaster does not accept that this item infringed any provision of the Broadcasting Act 2009 or 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 Codes, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The broadcast was a panel discussion on the public health guidelines for night-time venues. The two panel contributors described specific measures in the guidelines and discussed some implementation and enforcement issues. One of the contributors also reported information that had been provided at a Health Service Executive (HSE) press conference earlier that day in relation to the current impact of Covid-19 on the health service and the potential impact of lifting certain public health restrictions.

The complaint was submitted under rules 4.1 and 4.22 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 Code also provides that current affairs presenters shall 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 Forum considered the complainant's view that the broadcast ought to have included a "balancing argument" for those who cannot get a Covid-19 vaccine and noted this was not a discussion or debate about that topic; it was about the implications of the new public health guidelines, the impact of Covid-19 on the health service and advice from public health authorities on people socialising, particularly over the Christmas period. The Forum observed that the Code does not require programmes to feature all viewpoints on an issue to be fair in its treatment of a subject or for there to be an "artificial balance" of viewpoints. An example of artificial balance may be including the views of people who do not believe matters of established fact or scientific consensus. The Forum was satisfied the presenter's line of questioning and approach to the discussion provided an appropriate range of views on the topic. The Forum found no evidence in the broadcast of the presenter expressing his own views.

The Forum then considered whether the content had been presented in an objective and impartial manner, noting the complainant's view that the public health expert's advice may have misled the audience to only socialise outdoors with people who are not vaccinated against Covid-19. The Forum noted this advice was clearly reported by the contributor as that of a public health expert and the Forum believed the audience would have understood that. The Forum found no grounds to believe the broadcast lacked objectivity and impartiality in its coverage of this news story.

The complaint was 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 in a broadcast. The complaint was also submitted under a section of the Broadcasting Act 2009 which provides that broadcasters shall not broadcast anything

which may reasonably be regarded as causing harm or offence, or as being likely to promote, or incite to, crime or as tending to undermine the authority of the State.

The Forum considered the complainant's view that the public health expert advice reported by one of the contributors constituted an attack on people who are not vaccinated and could be construed as incitement to hatred. The Forum found no basis to believe that reporting the advice of a public health expert that the public consider whether they want to socialise indoors with people who are not vaccinated could be construed as an attack on those people or incitement to hatred against those people. The Forum accepted the complainant may disagree with that advice and even find it offensive, however, the standards of harm and offence in the Code of Programme Standards are not intended to be used to prohibit the broadcast of advice of public health authorities on a matter of public health even if some people find that advice offensive. Rather than adversely affecting the public interest, the Forum was of the opinion that reporting on such public health advice is part of a broadcaster's role in informing the public on matters of importance to society, which serves the public interest.

The Forum decided the broadcast had not infringed the relevant provisions of the Broadcasting Act 2009, the Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the Code of Programme Standards. Accordingly, the Forum rejected the complaint.

Complaint Reference Number	**C5596**
Complainant	[redacted]
Station	Virgin Media One
Programme Name	The Tonight Show
Broadcast Date	19th October 2021
Broadcast Time	22:00
Programme Description	Current affairs style programme
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, 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); and, BAI Code of Programme Standards – Principle 6.

Complaint Summary

The complaint concerns comments made by a journalist when discussing Covid-19 and the lifting of restrictions by government on 22nd October 2021.

The complainant states that the journalist made statements relating to the risk that those not vaccinated pose to those who are vaccinated, including those who choose not to be vaccinated because of their young age or on religious grounds. The complainant believes these comments were misleading and lacked any supporting scientific evidence. The complainant suggests that the interviewee should look to the UK and Europe and analyse statistics there compared with the 'vulnerable' unvaccinated in Ireland and consider the core issue of the Irish health service and lack of available beds in hospitals pre- and post-pandemic.

The complainant maintains that the journalist's comments were discriminatory, likely to incite to hatred and supported the exclusion of certain people from normal life and noted that these comments were not challenged by the presenter.

Broadcaster Response Summary

The broadcaster states that this segment of the programme dealt with the lifting of some restrictions in society and, specifically, how this would affect weddings and the increase in numbers attending same.

The broadcaster states that the interviewee explained what lifting restrictions would mean for couples and related how those without a digital certificate may not be allowed to attend those events. The interviewee addressed people's choice of not receiving the vaccine and the likelihood of ending up in hospital and also advised that people who are vaccinated can still contract the virus.

The broadcaster states that the interviewee made no reference to young people or to people who choose not to be vaccinated because of religious beliefs but provided a guide to attending events as per public health guidelines.

The broadcaster does not accept that this item infringed any provision of the Broadcasting Act 2009 or 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 Codes, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The broadcast was a discussion with a consumer journalist about the removal of limits on the number of attendees at weddings and the implications for couples planning a wedding. The interview included some discussion on the public health restrictions that remained in place such as the requirement for attendees to produce a Covid-19 vaccine certificate.

The complaint was submitted under rule 4.1 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The Forum considered whether there was anything misleading in the broadcast in relation to the risk posed to society by people who are not vaccinated against Covid-19. The Forum noted the journalist stated that most people who are not vaccinated against Covid-19 are so by choice and a consequence of that choice is not being able to attend family weddings. The journalist also stated that people who are vaccinated can still contract Covid-19 but are less likely to be hospitalised from it. The Forum was satisfied that the references to people who are not vaccinated were made in the context of the changed public health restrictions continuing to prohibit them from attending certain social gatherings. The Forum found no evidence in the broadcast of content that would mislead the audience.

The complaint was 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 in a broadcast. The complaint was also submitted under a section of the Broadcasting Act 2009 which provides that broadcasters shall not broadcast anything which may reasonably be regarded as causing harm or offence, or as being likely to promote, or incite to, crime or as tending to undermine the authority of the State.

The Forum considered the complainant's view that the broadcast constituted an attack on people who are not vaccinated and could be construed as incitement to hatred. The Forum noted that public health restrictions prohibiting people without a Covid-19 vaccination certificate from certain social gatherings was a matter of Government policy and this broadcast was discussing those restrictions and, specifically, the implications for people planning a wedding. The Forum acknowledged the complainant may disagree with this public policy and even find it offensive, however, the standards of harm and offence in the Code of Programme Standards are not intended to prohibit a discussion on the impact of public policy on people. Rather than adversely affecting the public interest, the Forum was of the opinion that discussing such matters is part of a broadcaster's role in informing the public on matters of importance to society, which serves the public interest.

The Forum decided the broadcast had not infringed the relevant provisions of the Broadcasting Act 2009, the Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the Code of Programme Standards. Accordingly, the Forum rejected the complaint.

Complaint Reference Number	**C5632**
Complainant	[redacted]
Station	Radio Kerry
Programme Name	Radio Kerry News
Broadcast Date	5th December 2021
Broadcast Time	11:00
Programme Description	News Bulletin during the show Timeless & Irish with Billy Donegan
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1.

Complaint Summary

The complaint concerns a news segment which provided the results of an opinion poll relating to the attitude of people to the pandemic.

The complainant claims that the report indicated this was a nationwide poll that showed those not vaccinated should have their movements restricted. The complainant believes this implies that the survey was carried out on a vast number of the public, however, no statistics were provided to support this. The complainant maintains that this generalisation is divisive and discriminates against those who are not vaccinated or who cannot be vaccinated on medical grounds. The complainant further believes the broadcaster could have investigated how many people were involved in the poll, but instead the segment implied that the survey was nationwide.

Broadcaster Response Summary

The broadcaster states that Kantar is a reputable polling organisation and use unbiased methods in its polling of a sample of the population. The broadcaster acknowledges there is a minority of people who cannot be vaccinated on medical grounds. The broadcaster claims the report related to those who, for no valid medical reason, choose not to be vaccinated and the impact of that choice on society.

The broadcaster believes it is valid to pose the question about the cohort of people who have decided not to be vaccinated and fair to ask publicly whether the individual right to bodily autonomy is an absolute or whether some limits should apply when there is a public health crisis. The broadcaster maintains that the scientific evidence shows that getting vaccinated is the best way to fight the virus.

The broadcaster does not accept that this news item infringed any provision of the Broadcasting Act 2009 or related 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 broadcast was a news report describing some of the results of a poll in relation to Covid-19 published in a national Sunday newspaper. The complaint was submitted under rule 4.1 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which requires news be presented in an objective and impartial manner and without any expression of the broadcaster's own views. The Forum noted the report mentioned the polling company, the newspaper that published the poll and when the polling interviews took place. The Forum found no reference in the report to the numbers of people polled and no evidence in the broadcast to suggest listeners would have been misled about the numbers polled. The Forum noted the report provided some polling results on people's views as to whether there ought to be restrictions for people who are not vaccinated against Covid-19. The data was presented in a factual manner, with no expression of the reporter's views. The Forum found no evidence in the broadcast to suggest a lack of objectivity or impartiality. The Forum decided the content had not infringed the relevant provisions of the Broadcasting Act 2009 or the Code of Fairness, Objectivity or Impartiality in News and Current Affairs. On this basis, the Forum rejected the complaint.

Complaint Reference Number	**C5639**
Complainant	[redacted]
Station	Newstalk 106 – 108fm
Programme Name	The Pat Kenny Show
Broadcast Date	3rd December 2021
Broadcast Time	09:00
Programme Description	Current affairs
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1

Complaint Summary

The complaint concerns comments made by the presenter in response to a report on mica affecting the homes of people living in Donegal.

The complainant acknowledges that the report on the effects of mica on homes in Donegal fairly represented the facts. However, the complainant believes that the presenter's comments during the report asking if anyone had said "thanks" to the taxpayer for coming up with the cash for the redress scheme, was biased, unfair and implied that tax is not paid by people living in Donegal.

The complainant states that comments from listeners with a negative perspective towards Donegal homeowners, receiving monies for this redress scheme, were read out.

The complainant believes a fair, unbiased report would have allowed for a more balanced perspective from a Donegal viewpoint.

Broadcaster Response Summary

The broadcaster states that as this is a current affairs programme, it is their duty to provide a wide and probing discussion on matters of importance and that this includes texts received.

The broadcaster maintains that the programme has featured numerous reports on the situation in Donegal and repeatedly highlighted the plight of families impacted by mica and explored the mental health struggles people are experiencing.

The broadcaster states that the role of a current affairs presenter is to facilitate contributors' opinions and reflect the views of those who cannot, or choose not to, participate in a broadcast. The broadcaster notes that this, at times, requires the presenter to convey critical views and robustly question the interviewee. The broadcaster claims that this is the role the presenter was playing in this interview. The broadcaster rejects the complainant's view that the presenter was biased or unfair in any way or that he implied that tax was not paid in Donegal.

The broadcaster does not accept that this item infringed any provision of the Broadcasting Act 2009 or related 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 broadcast was a report on the Government mica redress scheme for homeowners in Donegal and included exchanges between the programme presenter and reporter, recorded interviewees with people affected by the mica issue and comments from listeners read out by the presenter.

The complaint was submitted under rule 4.1 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The Forum considered whether there was bias and unfairness in the broadcast, particularly in relation to the presenter's question as to whether anyone had thanked the taxpayer for the funds for the redress scheme and in relation some of the listener's comments on the report. The Forum noted the presenter's question was posed to the reporter, who was given an opportunity to respond and he noted that these people in Donegal are taxpayers too. The Forum observed that the principle of objectivity and impartiality does not preclude presenters or reporters conveying critical views or pursing vigorous lines of questioning and there may be occasions where such questioning is an important means of providing a range of views on a subject. Using listener comments and feedback is another means to include a range of views.

The Forum was satisfied the presenter's question and the listener comments were appropriate in the context of the broadcast, which was a lengthy and wide-ranging report on the redress scheme, which featured many views of people affected by the mica issue and quantity surveyors and building contractors who were critical of the scheme and the levels of compensation it offered. Considering the report in whole and in context, the Forum was satisfied the broadcast did not infringe on the requirements of fairness, objectivity and impartiality.

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

ÚDARÁS CRAOLACHÁIN NA hÉIREANN | BROADCASTING AUTHORITY OF IRELAND

Broadcasting Authority of Ireland
Broadcasting Complaints Decisions

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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 February to May 2022, the Compliance Committee considered and rejected thirteen (13) complaints. The Executive Complaints Forum considered and rejected sixteen (16) complaints.

The decisions of the Compliance Committee were reached at meetings held on 2nd March and 20th April 2022. The decisions of the Executive Complaints Forum were reached at meetings held on 15th February, 15th March, 29th March, 19th April and 10th May 2022.

One of the Compliance Committee's complaint decisions in not included in this document because the complaint was of a sensitive and personal nature and the Committee considered it inappropriate to publish the complaint decision, further to the provisions of section 48(10) of the Broadcasting Act 2009.

Rejected by Compliance Committee

Complaint Reference Number	**C5580**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Claire Byrne Live
Broadcast Date	18th October 2021
Broadcast Time	22:30
Programme Description	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 - rule 4.1. Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principle 5.

Complaint Summary

The complaint concerns an interview with journalist, Joe O'Shea about people choosing not to have a Covid-19 vaccination and possible public policy options in relation to this.

The complainant states that during the discussion, the interviewee made several statements which the complainant believes constitute hate speech, incitement to divide society and persecute and isolate people who have not had a Covid-19 vaccine. The complainant provides examples of such statements, which may be summarised as:

- Allusions to people who are not vaccinated believing social media posts with conspiracy theories about Bill Gates and Covid-19 vaccines;
- References to people who choose not to take the vaccine as "hardcore cranks";
- Suggesting that people who choose not to take the vaccine cannot be debated with because their views on the subject are like a religious belief or a "cult-like" thing;
- Expressing his own anger with people who choose not to be vaccinated and expressing his view that there should be restrictions for those people because of the risk they pose "to our society, to our people, to our loved ones".

The complainant also states that the interviewee's comment that there are no scientific arguments to be made for not getting vaccinated is false and misleading.

The complainant believes the interviewee is prejudiced against people who are not vaccinated, which meant the broadcast could not be presented in an objective and impartial manner. The complainant states that the interviewee's view that people who are not vaccinated should be "compelled" to stay at home and be isolated from the rest of society because they place others at risk, is based on personal bias and is not grounded in scientific evidence. The complainant believes that the broadcaster should not have broadcast such a view.

Broadcaster Response Summary

The broadcaster states the programme focused on the latest developments in relation to Covid-19 and the imminent announcement from Government on whether it intended to proceed with plans to lift remaining public health restrictions and re-open society on 22nd October 2021. In this context, the broadcaster believes the discussion on vaccination and those not availing of vaccination was editorially legitimate, particularly given the consensus of public health advice that vaccination helps reduce the severity of illness and potential mortality from Covid-19 infection. The broadcaster notes that it is an established principle that broadcasters can, and should, give due weight to the consensus of scientific, medical, and public knowledge on issues such as this.

The broadcaster notes the interviewee was one of several contributors to the programme and that the broadcast provided a range of views on the subject from the panel and audience members.

The broadcaster is satisfied that, while the interviewee's views were robustly expressed and challenged, the content did not constitute "undue offence" or incitement to hatred or discrimination against any group.

The broadcaster believes the interviewee's view that there should be restrictions on people who are not vaccinated is an entirely legitimate view to hold, given the public health advice at the time, and notes that this view was shared by 69% of respondents to a poll referenced in the broadcast.

The broadcaster notes that the presenter challenged the interviewee's argument in favour of not "forcing" people to take vaccines but to "compel" them by imposing restrictions if they choose not to be vaccinated.

The broadcaster states that it is factually incorrect that the interviewee spoke about people not getting vaccinated because of their religious beliefs, but rather he expressed a view that some people have an almost religious belief in theories that set them against the scientific consensus. The broadcaster also states that it is incorrect that the interviewee targeted young people but rather he mentioned young people and "healthy" people as examples of groups who *may* feel it is not in their interests to get the vaccine.

The broadcaster believes the programme was fully compliant with all the 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 Codes, the Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The broadcast was a discussion with several interviewees and studio audience contributors on the latest developments in relation to Covid-19 and in the context of the Government's intention to lift public health restrictions on 22nd October 2021. The broadcast included some poll results on matters related to vaccinations and restrictions. The complaint is concerned mainly with the interview with journalist, Joe O'Shea.

The complaint was submitted under rules 4.1 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.

The Committee considered whether any of the interview with the journalist was misleading, demonstrated bias or lacked objectivity or impartiality. The Committee noted the interview was introduced by the presenter following the results of a poll showing 69% of respondents in favour of increased restrictions on people who are not vaccinated. The presenter asked the interviewee why he, like those respondents, favoured more restrictions for people who are not vaccinated. The interviewee set out his view that there are no scientific arguments for people not to be vaccinated and people should be compelled to have a Covid-19 vaccine by excluding unvaccinated people from public spaces. The presenter asked the interviewee whether he was advocated forcing people to have a vaccine and noted that people have a right to decide to take a vaccine. The interviewee said he was not in favour of forcing people to have a vaccine, but if people decided not to have a vaccine, the consequence for them ought to be exclusion from public spaces because of the risk unvaccinated people pose "to our society, to our people, to our loved ones". Later in the programme, the presenter put the interviewee's views to another contributor, a professor of immunology, to respond. She suggested addressing the reasons why people choose not to have a vaccine, listen to their concerns and find ways to encourage people to come forward to be vaccinated.

The Committee noted the Code is not intended to preclude the expression of opinion by contributors to current affairs programmes and the rules limiting the expression of opinion are confined to just the presenters of news and current affairs. The Committee was satisfied the opinions of the interviewee were clearly presented as such and the presenter appropriately challenged these views and sought the opinions of another contributor on them. The Committee did not believe the audience would have been misled about the issues under discussion and was satisfied the subject was presented in an objective and impartial manner and was fair to all interests concerned.

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the views and language used by the interviewee about people who choose not to have a Covid-19 vaccine infringed the above provisions of the Code of Programme Standards. The Committee noted the interviewee offered his views on the reasons why some people are choosing not to have a vaccine and he alluded to some people believing a conspiracy theory about the vaccines and Bill Gates circulating on social media. The interviewee also suggested that some people could not be persuaded to have the vaccine because of a "religious belief almost, a cult-like thing" in not accepting the evidence and advice of scientific and medical experts in relation to Covid-19 vaccines. The interviewee referred to these people as "hardcore cranks". The interviewee commented that he was not in favour of forcing people to have a vaccine, but rather the

consequence of that decision, in his view, must be the exclusion those people from public spaces because of the risk they pose "to our society, to our people, to our loved ones".

The Committee found no basis to deem an opinion that some people choose not to have a Covid-19 vaccine because they believe in conspiracy theories as discriminatory or inciting hatred.

The Committee noted the "hardcore cranks" terms was not used to describe all unvaccinated people, but just those who do not believe in the evidence and advice of scientific and medical experts in relation to the vaccines. The Committee noted these people do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee accepted the term may have caused offence to the complainant but did not believe it caused undue offence, considering the moderate manner in which the interview was conducted and taking into account the nature of the programme and audience expectations.

The Committee considered whether the interviewee's expressed opinion that people who are not vaccinated should face increased restrictions constituted an infringement of the Code of Programme Standards. The Committee noted that people who are not vaccinated do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee also noted that it had been Government policy to have different public health restrictions in place for unvaccinated people and it is editorially legitimate and serves the public interest to broadcast discussion and debate about such matters of public policy. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5604**
Complainant	[redacted]
Station	Newstalk 106-108FM
Programme Name	The Pat Kenny Show
Broadcast Date	28th October 2021
Broadcast Time	09:00
Programme Description	Current affairs programme, broadcast each weekday 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 4.19. Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards - Principle 5.

Complaint Summary

The complaint concerns an episode of the programme which included a segment called 'Covid Roundup', containing interviews with medical and scientific academics and practitioners, and an interview with Minister for Health, Stephen Donnelly.

The complainant believes the presenter was prejudiced against people who are not vaccinated against Covid-19 and this prejudice prevented the subject matter from being presented in an objective and impartial manner.

The complainant states that a comment made by the presenter that people who are not vaccinated should stay at home because they place people who are vaccinated at risk is based on the presenter's personal bias, is not grounded in objective scientific evidence and is divisive and discriminatory.

The complainant believes the presenter's comment that society was being "too easy" on people who are choosing not to be vaccinated is inflammatory, discriminatory and potentially harmful.

The complainant is of the opinion that the presenter's comments in relation to employers needing to know whether employees are vaccinated demonstrate a lack of knowledge of discrimination in the workplace under employment equality legislation and a disregard for privacy law. The complainant believes the presenter's comments about employees are based on bias rather than on any grounding in science.

The complainant also noted the presenter's reference to children wearing masks in France was not qualified with a reference to the many European countries that do not have mask mandates in schools or the conclusions of Irish health experts that reducing the minimum age for mandatory mask wearing was not necessary, proportionate or justifiable.

Broadcaster Response Summary

The broadcaster notes that all the comments referenced in the complaint were made during the interview with Minister for Health, Stephen Donnelly, which covered a range of matters relating to the Covid-19 pandemic. The broadcaster was of the view the identified comments have been taken out of context.

The broadcaster notes that part of the role of a current affairs presenter is to ensure the audience is exposed to a wide variety of views on a subject, which includes facilitating the views of the interviewee and reflecting the views of those not contributing to the programme. The broadcaster states the presenter may robustly question an interviewee and convey a critical view, which may include challenging the approach of Government. The broadcaster believes the comments referenced in the complaint were of this nature and were not an expression of the presenter's personal views.

The broadcaster believes the presenter's comments in relation to people who are not vaccinated being told to stay at home were clearly drawing a parallel between vulnerable members of society before vaccines were introduced and those who are deemed vulnerable now, that is, people who are not vaccinated being akin to people who had to "cocoon" before vaccines were available. The broadcaster notes that restrictions for people who are not vaccinated was not novel given the use of Covid-19 vaccine certificates and these comments do not support or condone discrimination of any person or group in society.

The broadcaster makes a similar argument in relation to the presenter's comments about mask mandates for children aged 5 to 12, as a group of people who are vulnerable because they are not vaccinated.

The broadcaster states that the presenter's comments about being "too easy" on people who choose not to have a vaccine, who say "there is a chip in the vaccine that will affect my brain", were made in the course of a responsible and robust discussion with the Minister and do not constitute discrimination against a cohort of people who are not vaccinated or any groups protected under equality law. The broadcaster believes the "chip in the brain" comment is a tongue in cheek reference to a conspiracy theory about governments supporting mass chip implantation under the pretext of Covid-19 vaccinations.

In relation to the comments about employers knowing if employees are vaccinated, the broadcaster believes the presenter was conveying the views of a listener in order to question the Minister about GDPR and Covid-19 in the workplace and is comparing Ireland with other countries.

The broadcaster does not believe the presenter discriminated against any person or group in society. The broadcaster believes the broadcast was fair, objective and impartial and was not in breach of the Broadcasting Act 2009 or the relevant BAI 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 Codes, the Compliance Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The broadcast was an interview with Minister for Health, Stephen Donnelly, in relation to public health matters concerning Covid-19. At the end of the interview, the presenter put comments and questions from listeners to the Minister.

The complaint was submitted under rules 4.1, 4.2, 4.17 and 4.19 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. 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, having regard to the circumstances and facts known at the time. Views and facts shall not be misrepresented or presented in such a way as to render them misleading.

The Committee considered whether the presenter's comments and questions demonstrated bias or prejudice, such that they would constitute an infringement of the Code or relevant statutory provisions. The Committee noted the interview covered a range of matters connected to Covid-19 and the presenter's comments and questions relevant to this complaint may be summarised as:

- Questioning why it took so long to introduce antigen testing.
- Suggested comparisons with France rather than the UK would be better because of France's lower death rate from Covid-19 and commented on their use of mandatory vaccination for healthcare workers and the use of vaccine passes for many public spaces.
- Commented that he would not want to go to a hospital to be treated where staff could ask if he was vaccinated but he could not ask medical staff if they were.
- Commented that employers cannot ask if their workers are vaccinated because of data regulation but noted that other EU countries subject to same data regulation do not share this view.
- Questioned what case or hospital numbers or circumstances would prompt further actions or public health restrictions by Government.
- Commented that unvaccinated people are deemed to be vulnerable, and it would be logical for Government to tell those people to stay at home. The presenter drew a comparison with how he, because of his age, had been deemed a vulnerable person at the start of the pandemic and had had to "cocoon" at home.
- Commented that school children in Ireland between the ages of 5 and 12 are not required to wear a mask as they are in France.
- Commented that "we're being too easy" on people who choose not to get a vaccine, because they don't believe in the science behind the vaccines or because they believe in conspiracy theories about the vaccine. The presenter asked, "why give them any quarter at all?".

The Committee was of the view that the type of issues raised by the presenter in these comments and questions, and in the interview as a whole, were relevant and appropriate in the context of interviewing a Government minister about his area of responsibility. The Committee was satisfied it was editorially legitimate to draw comparisons with other countries and to question whether measures introduced in other countries would work in Ireland. The Committee also believed that questioning whether there ought to be restrictions specifically for people who are not vaccinated is editorially legitimate in the context of interviewing the Minister for Health about the public health response to a pandemic.

The Committee noted that the Code allows for current affairs presenters to robustly challenge and question interviewees in order to provide a range of opinion on a subject. The Committee was satisfied that this is the role the presenter played in this broadcast. The Committee was of the opinion that the presenter's comments and questions were in keeping with the established style of the programme and the presenter and with audience expectations of the programme. The Committee did not believe the presenter's comments and questions demonstrated any bias or prejudice. The Committee was satisfied the subject was presented in the broadcast in an objective and impartial manner, without any expression of the broadcaster's views, and was fair to all interests concerned.

The Committee found the complaint did not make a sufficient case that the broadcast contained any inaccuracy that would infringe rule 4.17 or that there were views or facts presented or misrepresented in such a way as to infringe rule 4.19.

The complaint was also submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the presenter's comments and questions in relation to people who are not vaccinated infringed the Code of Programme Standards or the relevant statutory provisions. The Committee noted that it had been public policy in Ireland to have different public health restrictions in place for people based on their Covid-19 vaccination status. The Committee is of the view that it is editorially legitimate to question a Government minister on its decisions and plans in relation to such public policies and such content has an important role in informing the public on matters of national policy. The Committee acknowledges the complainant may not agree with a policy of public health restrictions for people who are not vaccinated against Covid-19 and may be offended by questions as to whether such restrictions should be reintroduced, however, the Code of Programme Standards is not intended to be used to stifle expression of views and discussion on such matters of public importance.

The Committee noted that people who are not vaccinated are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code of Programme Standards. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5606**
Complainant	[redacted]
Station	Newstalk 106-108FM
Programme Name	The Pat Kenny Show
Broadcast Date	28th October 2021
Broadcast Time	09:00
Programme Description	Current affairs programme, broadcast each weekday morning.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, 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); and, BAI Code of Programme Standards - Principle 5.

Complaint Summary

The complaint concerns an episode of the programme which included a segment called 'Covid Roundup', containing interviews with medical and scientific academics and practitioners, and an interview with Minister for Health, Stephen Donnelly.

The complainant believes the presenter was prejudiced against people who are not vaccinated against Covid-19 and this prejudice prevented the subject matter from being presented in an objective and impartial manner.

The complainant states that a comment made by the presenter that people who are not vaccinated should stay at home because they place people who are vaccinated at risk is based on the presenter's personal bias, is not grounded in objective scientific evidence and is divisive and discriminatory.

The complainant believes the presenter's comment that society was being "too easy" on people who are choosing not to be vaccinated is inflammatory, discriminatory and potentially harmful.

The complainant is of the opinion that the presenter's comments in relation to employers needing to know whether employees are vaccinated demonstrated a lack of knowledge of discrimination in the workplace under employment equality legislation and a disregard for privacy law. The complainant believes the presenter's comments about employees are based on bias rather than on any grounding in science.

The complainant also noted the presenter's reference to children wearing masks in France was not qualified with a reference to the many European countries that do not have mask mandates in schools or the conclusions of Irish health experts that reducing the minimum age for mandatory mask wearing was not necessary, proportionate or justifiable.

Broadcaster Response Summary
The broadcaster notes that all the comments referenced in the complaint were made during the interview with Minister for Health, Stephen Donnelly, which covered a range of matters relating to the Covid-19 pandemic. The broadcaster was of the view the identified comments have been taken out of context. The broadcaster notes that part of the role of a current affairs presenter is to ensure the audience is exposed to a wide variety of views on a subject, which includes facilitating the views of the interviewee and reflecting the views of those not contributing to the programme. The broadcaster states the presenter may robustly question an interviewee and convey a critical view, which may include challenging the approach of Government. The broadcaster believes the comments referenced in the complaint were of this nature and were not an expression of the presenter's personal views. The broadcaster believes the presenter's comments in relation to people who are not vaccinated being told to stay at home were clearly drawing a parallel between vulnerable members of society before vaccines were introduced and those who are deemed vulnerable now, that is, people who are not vaccinated being akin to people who had to "cocoon" before vaccines were available. The broadcaster notes that restrictions for people who are not vaccinated was not novel given the use of Covid-19 vaccine certificates and these comments do not support or condone discrimination of any person or group in society. The broadcaster makes a similar argument in relation to the presenter's comments about mask mandates for children aged 5 to 12, as a group of people who are vulnerable because they are not vaccinated. The broadcaster states that the presenter's comments about being "too easy" on people who choose not to have a vaccine, who say "there is a chip in the vaccine that will affect my brain", were made in the course of a responsible and robust discussion with the Minister and do not constitute discrimination against a cohort of people who are not vaccinated or any groups protected under equality law. The broadcaster believes the "chip in the brain" comment is a tongue in cheek reference to a conspiracy theory about governments supporting mass chip implantation under the pretext of Covid-19 vaccinations. In relation to the comments about employers knowing if employees are vaccinated, the broadcaster believes the presenter was conveying the views of a listener in order to question the Minister about GDPR and Covid-19 in the workplace and is comparing Ireland with other countries. The broadcaster does not believe the presenter discriminated against any person or group in society. The broadcaster believes the broadcast was fair, objective and impartial and was not in breach of the Broadcasting Act 2009 or the relevant BAI 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 Codes, the Compliance Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The broadcast was an interview with Minister for Health, Stephen Donnelly, in relation to public health matters concerning Covid-19. At the end of the interview, the presenter put comments and questions from listeners to the Minister.

The complaint was submitted under rule 4.1 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.

The Committee considered whether the presenter's comments and questions demonstrated bias or prejudice, such that they would constitute an infringement of the Code or relevant statutory provisions. The Committee noted the interview covered a range of matters connected to Covid-19 and the presenter's comments and questions relevant to this complaint may be summarised as:

- Questioning why it took so long to introduce antigen testing.
- Suggested comparisons with France rather than the UK would be better because of France's lower death rate from Covid-19 and commented on their use of mandatory vaccination for healthcare workers and the use of vaccine passes for many public spaces.
- Commented that he would not want to go to a hospital to be treated where staff could ask if he was vaccinated but he could not ask medical staff if they were.
- Commented that employers cannot ask if their workers are vaccinated because of data regulation but noted that other EU countries subject to same data regulation do not share this view.
- Questioned what case or hospital numbers or circumstances would prompt further actions or public health restrictions by Government.
- Commented that unvaccinated people are deemed to be vulnerable and it would be logical for Government to tell those people to stay at home. The presenter drew a comparison with how he, because of his age, had been deemed a vulnerable person at the start of the pandemic and had had to "cocoon" at home.
- Commented that school children in Ireland between the ages of 5 and 12 are not required to wear a mask as they are in France.
- Commented that "we're being too easy" on people who choose not to get a vaccine, because they don't believe in the science behind the vaccines or because they believe in conspiracy theories about the vaccine. The presenter asked, "why give them any quarter at all?".

The Committee was of the view that the type of issues raised by the presenter in these comments and questions, and in the interview as a whole, were relevant and appropriate in the context of interviewing a Government minister about his area of responsibility. The Committee was satisfied it was editorially legitimate to draw comparisons with other countries and to question whether measures introduced in other countries would work in Ireland. The Committee also believed that

questioning whether there ought to be restrictions specifically for people who are not vaccinated is editorially legitimate in the context of interviewing the Minister for Health about the public health response to a pandemic.

The Committee noted that the Code allows for current affairs presenters to robustly challenge and question interviewees in order to provide a range of opinion on a subject. The Committee was satisfied that this is the role the presenter played in this broadcast. The Committee was of the opinion that the presenter's comments and questions were in keeping with the established style of the programme and the presenter and with audience expectations of the programme. The Committee did not believe the presenter's comments and questions demonstrated any bias or prejudice. The Committee was satisfied the subject was presented in the broadcast in an objective and impartial manner, without any expression of the broadcaster's views, and was fair to all interests concerned.

The complaint was also submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the presenter's comments and questions in relation to people who are not vaccinated infringed the Code of Programme Standards or the relevant statutory provisions. The Committee noted that it had been public policy in Ireland to have different public health restrictions in place for people based on their Covid-19 vaccination status. The Committee is of the view that it is editorially legitimate to question a Government minister on its decisions and plans in relation to such public policies and such content has an important role in informing the public on matters of national policy. The Committee acknowledges the complainant may not agree with a policy of public health restrictions for people who are not vaccinated against Covid-19 and may be offended by questions as to whether such restrictions should be reintroduced, however, the Code of Programme Standards is not intended to be used to stifle expression of views and discussion on such matters of public importance.

The Committee noted that people who are not vaccinated are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code of Programme Standards. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5608**
Complainant	[redacted]
Station	Newstalk 106-108FM
Programme Name	The Pat Kenny Show
Broadcast Date	28th October 2021
Broadcast Time	09:00
Programme Description	Current affairs programme, broadcast each weekday 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 and 4.28; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards - Principle 5.

Complaint Summary

The complaint concerns an episode of the programme which included a segment called 'Covid Roundup', containing interviews with medical and scientific academics and practitioners, and an interview with Minister for Health, Stephen Donnelly.

The complainant believes the presenter was prejudiced against people who are not vaccinated against Covid-19 and this prejudice prevented the subject matter from being presented in an objective and impartial manner.

The complainant states that a comment made by the presenter that people who are not vaccinated should stay at home because they place people who are vaccinated at risk is based on the presenter's personal bias, is not grounded in objective scientific evidence and is divisive and discriminatory.

The complainant believes the presenter's comment that society was being "too easy" on people who are choosing not to be vaccinated is inflammatory, discriminatory and potentially harmful.

The complainant is of the opinion that the presenter's comments in relation to employers needing to know whether employees are vaccinated demonstrate a lack of knowledge of discrimination in the workplace under employment equality legislation and a disregard for privacy law. The complainant believes the presenter's comments about employees are based on bias rather than on any grounding in science.

The complainant also noted the presenter's reference to children wearing masks in France was not qualified with a reference to the many European countries that do not have mask mandates in schools or the conclusions of Irish health experts that reducing the minimum age for mandatory mask wearing was not necessary, proportionate or justifiable.

Broadcaster Response Summary
The broadcaster notes that all the comments referenced in the complaint were made during the interview with Minister for Health, Stephen Donnelly, which covered a range of matters relating to the Covid-19 pandemic. The broadcaster was of the view the identified comments have been taken out of context. The broadcaster notes that part of the role of a current affairs presenter is to ensure the audience is exposed to a wide variety of views on a subject, which includes facilitating the views of the interviewee and reflecting the views of those not contributing to the programme. The broadcaster states the presenter may robustly question an interviewee and convey a critical view, which may include challenging the approach of Government. The broadcaster believes the comments referenced in the complaint were of this nature and were not an expression of the presenter's personal views. The broadcaster believes the presenter's comments in relation to people who are not vaccinated being told to stay at home were clearly drawing a parallel between vulnerable members of society before vaccines were introduced and those who are deemed vulnerable now, that is, people who are not vaccinated being akin to people who had to "cocoon" before vaccines were available. The broadcaster notes that restrictions for people who are not vaccinated was not novel given the use of Covid-19 vaccine certificates and these comments do not support or condone discrimination of any person or group in society. The broadcaster makes a similar argument in relation to the presenter's comments about mask mandates for children aged 5 to 12, as a group of people who are vulnerable because they are not vaccinated. The broadcaster states that the presenter's comments about being "too easy" on people who choose not to have a vaccine, who say "there is a chip in the vaccine that will affect my brain", were made in the course of a responsible and robust discussion with the Minister and do not constitute discrimination against a cohort of people who are not vaccinated or any groups protected under equality law. The broadcaster believes the "chip in the brain" comment is a tongue in cheek reference to a conspiracy theory about Governments supporting mass chip implantation under the pretext of Covid-19 vaccinations. In relation to the comments about employers knowing if employees are vaccinated, the broadcaster believes the presenter was conveying the views of a listener in order to question the Minister about GDPR and Covid-19 in the workplace and is comparing Ireland with other countries. The broadcaster does not believe the presenter discriminated against any person or group in society. The broadcaster believes the broadcast was fair, objective and impartial and was not in breach of the Broadcasting Act 2009 or the relevant BAI 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 Codes, the Compliance Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The broadcast was an interview with Minister for Health, Stephen Donnelly, in relation to public health matters concerning Covid-19. At the end of the interview, the presenter put comments and questions from listeners to the Minister.

The complaint was submitted under rules 4.1 and 4.28 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. The Code also requires broadcasters and programme makers to adhere to all legislative requirements when sourcing, compiling, producing and presenting news and current affairs content.

The Committee considered whether the presenter's comments and questions demonstrated bias or prejudice, such that they would constitute an infringement of the Code or relevant statutory provisions. The Committee noted the interview covered a range of matters connected to Covid-19 and the presenter's comments and questions relevant to this complaint may be summarised as:

- Questioning why it took so long to introduce antigen testing.
- Suggested comparisons with France rather than the UK would be better because of France's lower death rate from Covid-19 and commented on their use of mandatory vaccination for healthcare workers and the use of vaccine passes for many public spaces.
- Commented that he would not want to go to a hospital to be treated where staff could ask if he was vaccinated but he could not ask medical staff if they were.
- Commented that employers cannot ask if their workers are vaccinated because of data regulation but noted that other EU countries subject to same data regulation do not share this view.
- Questioned what case or hospital numbers or circumstances would prompt further actions or public health restrictions by Government.
- Commented that unvaccinated people are deemed to be vulnerable and it would be logical for Government to tell those people to stay at home. The presenter drew a comparison with how he, because of his age, had been deemed a vulnerable person at the start of the pandemic and had had to "cocoon" at home.
- Commented that school children in Ireland between the ages of 5 and 12 are not required to wear a mask as they are in France.
- Commented that "we're being too easy" on people who choose not to get a vaccine, because they don't believe in the science behind the vaccines or because they believe in conspiracy theories about the vaccine. The presenter asked, "why give them any quarter at all?".

The Committee was of the view that the type of issues raised by the presenter in these comments and questions, and in the interview as a whole, were relevant and appropriate in the context of interviewing a Government minister about his area of responsibility. The Committee was satisfied it

was editorially legitimate to draw comparisons with other countries and to question whether measures introduced in other countries would work in Ireland. The Committee also believed that questioning whether there ought to be restrictions specifically for people who are not vaccinated is editorially legitimate in the context of interviewing the Minister of Health about the public health response to a pandemic.

The Committee noted that the Code allows for current affairs presenters to robustly challenge and question interviewees in order to provide a range of opinion on a subject. The Committee was satisfied that this is the role the presenter played in this broadcast. The Committee was of the opinion that the presenter's comments and questions were in keeping with the established style of the programme and the presenter and with audience expectations of the programme. The Committee did not believe the presenter's comments and questions demonstrated any bias or prejudice. The Committee was satisfied the subject was presented in the broadcast in an objective and impartial manner, without any expression of the broadcaster's views, and was fair to all interests concerned.

The Committee found the complaint did not make a sufficient case that the broadcaster or programme makers had not adhered to legislative requirements as provided for at rule 4.28.

The complaint was also submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the presenter's comments and questions in relation to people who are not vaccinated infringed the Code of Programme Standards or the relevant statutory provisions. The Committee noted that it had been public policy in Ireland to have different public health restrictions in place for people based on their Covid-19 vaccination status. The Committee is of the view that it is editorially legitimate to question a Government minister on its decisions and plans in relation to such public policies and such content has an important role in informing the public on matters of national policy. The Committee acknowledges the complainant may not agree with a policy of public health restrictions for people who are not vaccinated against Covid-19 and may be offended by questions as to whether such restrictions should be reintroduced, however, the Code of Programme Standards is not intended to be used to stifle expression of views and discussion on such matters of public importance.

The Committee noted that people who are not vaccinated are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code of Programme Standards. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5609**
Complainant	[redacted]
Station	Newstalk 106-108FM
Programme Name	The Pat Kenny Show
Broadcast Date	28th October 2021
Broadcast Time	09:00
Programme Description	Current affairs programme, broadcast each weekday 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 - rule 4.1; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards - Principle 5.

Complaint Summary

The complaint concerns an episode of the programme which included a segment called 'Covid Roundup', containing interviews with medical and scientific academics and practitioners, and an interview with Minister for Health, Stephen Donnelly.

The complainant believes the presenter was prejudiced against people who are not vaccinated against Covid-19 and this prejudice prevented the subject matter from being presented in an objective and impartial manner.

The complainant states that a comment made by the presenter that people who are not vaccinated should stay at home because they place people who are vaccinated at risk is based on the presenter's personal bias, is not grounded in objective scientific evidence and is divisive and discriminatory.

The complainant believes the presenter's comment that society was being "too easy" on people who are choosing not to be vaccinated is inflammatory, discriminatory and potentially harmful.

The complainant is of the opinion that the presenter's comments in relation to employers needing to know whether employees are vaccinated demonstrate a lack of knowledge of discrimination in the workplace under employment equality legislation and a disregard for privacy law. The complainant believes the presenter's comments about employees are based on bias rather than on any grounding in science.

The complainant also noted the presenter's reference to children wearing masks in France was not qualified with a reference to the many European countries that do not have mask mandates in schools or the conclusions of Irish health experts that reducing the minimum age for mandatory mask wearing was not necessary, proportionate or justifiable.

Broadcaster Response Summary

The broadcaster notes that all the comments referenced in the complaint were made during the interview with Minister for Health, Stephen Donnelly, which covered a range of matters relating to the Covid-19 pandemic. The broadcaster was of the view the identified comments have been taken out of context.

The broadcaster notes that part of the role of a current affairs presenter is to ensure the audience is exposed to a wide variety of views on a subject, which includes facilitating the views of the interviewee and reflecting the views of those not contributing to the programme. The broadcaster states the presenter may robustly question an interviewee and convey a critical view, which may include challenging the approach of Government. The broadcaster believes the comments referenced in the complaint were of this nature and were not an expression of the presenter's personal views.

The broadcaster believes the presenter's comments in relation to people who are not vaccinated being told to stay at home were clearly drawing a parallel between vulnerable members of society before vaccines were introduced and those who are deemed vulnerable now, that is, people who are not vaccinated being akin to people who had to "cocoon" before vaccines were available. The broadcaster notes that restrictions for people who are not vaccinated was not novel given the use of Covid-19 vaccine certificates and these comments do not support or condone discrimination of any person or group in society.

The broadcaster makes a similar argument in relation to the presenter's comments about mask mandates for children aged 5 to 12, as a group of people who are vulnerable because they are not vaccinated.

The broadcaster states that the presenter's comments about being "too easy" on people who choose not to have a vaccine, who say "there is a chip in the vaccine that will affect my brain", were made in the course of a responsible and robust discussion with the Minister and do not constitute discrimination against a cohort of people who are not vaccinated or any groups protected under equality law. The broadcaster believes the "chip in the brain" comment is a tongue in cheek reference to a conspiracy theory about Governments supporting mass chip implantation under the pretext of Covid-19 vaccinations.

In relation to the comments about employers knowing if employees are vaccinated, the broadcaster believes the presenter was conveying the views of a listener in order to question the Minister about GDPR and Covid-19 in the workplace and is comparing Ireland with other countries.

The broadcaster does not believe the presenter discriminated against any person or group in society. The broadcaster believes the broadcast was fair, objective and impartial and was not in breach of the Broadcasting Act 2009 or the relevant BAI 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 Codes, the Compliance Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The broadcast was an interview with Minister for Health, Stephen Donnelly, in relation to public health matters concerning Covid-19. At the end of the interview, the presenter put comments and questions from listeners to the Minister.

The complaint was submitted under rule 4.1 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.

The Committee considered whether the presenter's comments and questions demonstrated bias or prejudice, such that they would constitute an infringement of the Code or relevant statutory provisions. The Committee noted the interview covered a range of matters connected to Covid-19 and the presenter's comments and questions relevant to this complaint may be summarised as:

- Questioning why it took so long to introduce antigen testing.
- Suggested comparisons with France rather than the UK would be better because of France's lower death rate from Covid-19 and commented on their use of mandatory vaccination for healthcare workers and the use of vaccine passes for many public spaces.
- Commented that he would not want to go to a hospital to be treated where staff could ask if he was vaccinated but he could not ask medical staff if they were.
- Commented that employers cannot ask if their workers are vaccinated because of data regulation but noted that other EU countries subject to same data regulation do not share this view.
- Questioned what case or hospital numbers or circumstances would prompt further actions or public health restrictions by Government.
- Commented that unvaccinated people are deemed to be vulnerable and it would be logical for Government to tell those people to stay at home. The presenter drew a comparison with how he, because of his age, had been deemed a vulnerable person at the start of the pandemic and had had to "cocoon" at home.
- Commented that school children in Ireland between the ages of 5 and 12 are not required to wear a mask as they are in France.
- Commented that "we're being too easy" on people who choose not to get a vaccine, because they don't believe in the science behind the vaccines or because they believe in conspiracy theories about the vaccine. The presenter asked, "why give them any quarter at all?".

The Committee was of the view that the type of issues raised by the presenter in these comments and questions, and in the interview as a whole, were relevant and appropriate in the context of interviewing a Government minister about his area of responsibility. The Committee was satisfied it was editorially legitimate to draw comparisons with other countries and to question whether measures introduced in other countries would work in Ireland. The Committee also believed that

questioning whether there ought to be restrictions specifically for people who are not vaccinated is editorially legitimate in the context of interviewing the Minister for Health about the public health response to a pandemic.

The Committee noted that the Code allows for current affairs presenters to robustly challenge and question interviewees in order to provide a range of opinion on a subject. The Committee was satisfied that this is the role the presenter played in this broadcast. The Committee was of the opinion that the presenter's comments and questions were in keeping with the established style of the programme and the presenter and with audience expectations of the programme. The Committee did not believe the presenter's comments and questions demonstrated any bias or prejudice. The Committee was satisfied the subject was presented in the broadcast in an objective and impartial manner, without any expression of the broadcaster's views, and was fair to all interests concerned.

The complaint was also submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the presenter's comments and questions in relation to people who are not vaccinated infringed the Code of Programme Standards or the relevant statutory provisions. The Committee noted that it had been public policy in Ireland to have different public health restrictions in place for people based on their Covid-19 vaccination status. The Committee is of the view that it is editorially legitimate to question a Government minister on its decisions and plans in relation to such public policies and such content has an important role in informing the public on matters of national policy. The Committee acknowledges the complainant may not agree with a policy of public health restrictions for people who are not vaccinated against Covid-19 and may be offended by questions as to whether such restrictions should be reintroduced, however, the Code of Programme Standards is not intended to be used to stifle expression of views and discussion on such matters of public importance.

The Committee noted that people who are not vaccinated are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code of Programme Standards. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5610**
Complainant	[redacted]
Station	Newstalk 106-108FM
Programme Name	The Pat Kenny Show
Broadcast Date	28th October 2021
Broadcast Time	09:00
Programme Description	Current affairs programme, broadcast each weekday 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 and 4.2; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards - Principle 5.

Complaint Summary

The complaint concerns an episode of the programme which included a segment called 'Covid Roundup', containing interviews with medical and scientific academics and practitioners, and an interview with Minister for Health, Stephen Donnelly.

The complainant believes the presenter was prejudiced against people who are not vaccinated against Covid-19 and this prejudice prevented the subject matter from being presented in an objective and impartial manner.

The complainant states that a comment made by the presenter that people who are not vaccinated should stay at home because they place people who are vaccinated at risk is based on the presenter's personal bias, is not grounded in objective scientific evidence and is divisive and discriminatory.

The complainant believes the presenter's comment that society was being "too easy" on people who are choosing not to be vaccinated is inflammatory, discriminatory and potentially harmful.

The complainant is of the opinion that the presenter's comments in relation to employers needing to know whether employees are vaccinated demonstrate a lack of knowledge of discrimination in the workplace under employment equality legislation and a disregard for privacy law. The complainant believes the presenter's comments about employees are based on bias rather than on any grounding in science.

The complainant also noted the presenter's reference to children wearing masks in France was not qualified with a reference to the many European countries that do not have mask mandates in schools or the conclusions of Irish health experts that reducing the minimum age for mandatory mask wearing was not necessary, proportionate or justifiable.

Broadcaster Response Summary

The broadcaster notes that all the comments referenced in the complaint were made during the interview with Minister for Health, Stephen Donnelly, which covered a range of matters relating to the Covid-19 pandemic. The broadcaster was of the view the identified comments have been taken out of context.

The broadcaster notes that part of the role of a current affairs presenter is to ensure the audience is exposed to a wide variety of views on a subject, which includes facilitating the views of the interviewee and reflecting the views of those not contributing to the programme. The broadcaster states the presenter may robustly question an interviewee and convey a critical view, which may include challenging the approach of Government. The broadcaster believes the comments referenced in the complaint were of this nature and were not an expression of the presenter's personal views.

The broadcaster believes the presenter's comments in relation to people who are not vaccinated being told to stay at home were clearly drawing a parallel between vulnerable members of society before vaccines were introduced and those who are deemed vulnerable now, that is, people who are not vaccinated being akin to people who had to "cocoon" before vaccines were available. The broadcaster notes that restrictions for people who are not vaccinated was not novel given the use of Covid-19 vaccine certificates and these comments do not support or condone discrimination of any person or group in society.

The broadcaster makes a similar argument in relation to the presenter's comments about mask mandates for children aged 5 to 12, as a group of people who are vulnerable because they are not vaccinated.

The broadcaster states that the presenter's comments about being "too easy" on people who choose not to have a vaccine, who say "there is a chip in the vaccine that will affect my brain", were made in the course of a responsible and robust discussion with the Minister and do not constitute discrimination against a cohort of people who are not vaccinated or any groups protected under equality law. The broadcaster believes the "chip in the brain" comment is a tongue in cheek reference to a conspiracy theory about Governments supporting mass chip implantation under the pretext of Covid-19 vaccinations.

In relation to the comments about employers knowing if employees are vaccinated, the broadcaster believes the presenter was conveying the views of a listener in order to question the Minister about GDPR and Covid-19 in the workplace and is comparing Ireland with other countries.

The broadcaster does not believe the presenter discriminated against any person or group in society. The broadcaster believes the broadcast was fair, objective and impartial and was not in breach of the Broadcasting Act 2009 or the relevant BAI 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 Codes, the Compliance Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The broadcast was an interview with Minister for Health, Stephen Donnelly, in relation to public health matters concerning Covid-19. At the end of the interview, the presenter put comments and questions from listeners to the Minister.

The complaint was submitted 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. 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 considered whether the presenter's comments and questions demonstrated bias or prejudice, such that they would constitute an infringement of the Code or relevant statutory provisions. The Committee noted the interview covered a range of matters connected to Covid-19 and the presenter's comments and questions relevant to this complaint may be summarised as:

- Questioning why it took so long to introduce antigen testing.
- Suggested comparisons with France rather than the UK would be better because of France's lower death rate from Covid-19 and commented on their use of mandatory vaccination for healthcare workers and the use of vaccine passes for many public spaces.
- Commented that he would not want to go to a hospital to be treated where staff could ask if he was vaccinated but he could not ask medical staff if they were.
- Commented that employers cannot ask if their workers are vaccinated because of data regulation but noted that other EU countries subject to same data regulation do not share this view.
- Questioned what case or hospital numbers or circumstances would prompt further actions or public health restrictions by Government.
- Commented that unvaccinated people are deemed to be vulnerable and it would be logical for Government to tell those people to stay at home. The presenter drew a comparison with how he, because of his age, had been deemed a vulnerable person at the start of the pandemic and had had to "cocoon" at home.
- Commented that school children in Ireland between the ages of 5 and 12 are not required to wear a mask as they are in France.
- Commented that "we're being too easy" on people who choose not to get a vaccine, because they don't believe in the science behind the vaccines or because they believe in conspiracy theories about the vaccine. The presenter asked, "why give them any quarter at all?".

The Committee was of the view that the type of issues raised by the presenter in these comments and questions, and in the interview as a whole, were relevant and appropriate in the context of interviewing a Government minister about his area of responsibility. The Committee was satisfied it

was editorially legitimate to draw comparisons with other countries and to question whether measures introduced in other countries would work in Ireland. The Committee also believed that questioning whether there ought to be restrictions specifically for people who are not vaccinated is editorially legitimate in the context of interviewing the Minister for Health about the public health response to a pandemic.

The Committee noted that the Code allows for current affairs presenters to robustly challenge and question interviewees in order to provide a range of opinion on a subject. The Committee was satisfied that this is the role the presenter played in this broadcast. The Committee was of the opinion that the presenter's comments and questions were in keeping with the established style of the programme and the presenter and with audience expectations of the programme. The Committee did not believe the presenter's comments and questions demonstrated any bias or prejudice. The Committee was satisfied the subject was presented in the broadcast in an objective and impartial manner, without any expression of the broadcaster's views, and was fair to all interests concerned.

The complaint was also submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the presenter's comments and questions in relation to people who are not vaccinated infringed the Code of Programme Standards or the relevant statutory provisions. The Committee noted that it had been public policy in Ireland to have different public health restrictions in place for people based on their Covid-19 vaccination status. The Committee is of the view that it is editorially legitimate to question a Government minister on its decisions and plans in relation to such public policies and such content has an important role in informing the public on matters of national policy. The Committee acknowledges the complainant may not agree with a policy of public health restrictions for people who are not vaccinated against Covid-19 and may be offended by questions as to whether such restrictions should be reintroduced, however, the Code of Programme Standards is not intended to be used to stifle expression of views and discussion on such matters of public importance.

The Committee noted that people who are not vaccinated are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code of Programme Standards. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5612**
Complainant	[redacted]
Station	Newstalk 106-108FM
Programme Name	The Pat Kenny Show
Broadcast Date	28th October 2021
Broadcast Time	09:00
Programme Description	Current affairs programme, broadcast each weekday 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 - rule 4.1; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards - Principle 5.

Complaint Summary

The complaint concerns an episode of the programme which included a segment called 'Covid Roundup', containing interviews with medical and scientific academics and practitioners, and an interview with Minister for Health, Stephen Donnelly.

The complainant believes the presenter was prejudiced against people who are not vaccinated against Covid-19 and this prejudice prevented the subject matter from being presented in an objective and impartial manner.

The complainant states that a comment made by the presenter that people who are not vaccinated should stay at home because they place people who are vaccinated at risk is based on the presenter's personal bias, is not grounded in objective scientific evidence and is divisive and discriminatory.

The complainant believes the presenter's comment that society was being "too easy" on people who are choosing not to be vaccinated is inflammatory, discriminatory and potentially harmful.

The complainant is of the opinion that the presenter's comments in relation to employers needing to know whether employees are vaccinated demonstrate a lack of knowledge of discrimination in the workplace under employment equality legislation and a disregard for privacy law. The complainant believes the presenter's comments about employees are based on bias rather than on any grounding in science.

The complainant also noted the presenter's reference to children wearing masks in France was not qualified with a reference to the many European countries that do not have mask mandates in schools or the conclusions of Irish health experts that reducing the minimum age for mandatory mask wearing was not necessary, proportionate or justifiable.

Broadcaster Response Summary

The broadcaster notes that all the comments referenced in the complaint were made during the interview with Minister for Health, Stephen Donnelly, which covered a range of matters relating to the Covid-19 pandemic. The broadcaster was of the view the identified comments have been taken out of context.

The broadcaster notes that part of the role of a current affairs presenter is to ensure the audience is exposed to a wide variety of views on a subject, which includes facilitating the views of the interviewee and reflecting the views of those not contributing to the programme. The broadcaster states the presenter may robustly question an interviewee and convey a critical view, which may include challenging the approach of Government. The broadcaster believes the comments referenced in the complaint were of this nature and were not an expression of the presenter's personal views.

The broadcaster believes the presenter's comments in relation to people who are not vaccinated being told to stay at home were clearly drawing a parallel between vulnerable members of society before vaccines were introduced and those who are deemed vulnerable now, that is, people who are not vaccinated being akin to people who had to "cocoon" before vaccines were available. The broadcaster notes that restrictions for people who are not vaccinated was not novel given the use of Covid-19 vaccine certificates and these comments do not support or condone discrimination of any person or group in society.

The broadcaster makes a similar argument in relation to the presenter's comments about mask mandates for children aged 5 to 12, as a group of people who are vulnerable because they are not vaccinated.

The broadcaster states that the presenter's comments about being "too easy" on people who choose not to have a vaccine, who say "there is a chip in the vaccine that will affect my brain", were made in the course of a responsible and robust discussion with the Minister and do not constitute discrimination against a cohort of people who are not vaccinated or any groups protected under equality law. The broadcaster believes the "chip in the brain" comment is a tongue in cheek reference to a conspiracy theory about Governments supporting mass chip implantation under the pretext of Covid-19 vaccinations.

In relation to the comments about employers knowing if employees are vaccinated, the broadcaster believes the presenter was conveying the views of a listener in order to question the Minister about GDPR and Covid-19 in the workplace and is comparing Ireland with other countries.

The broadcaster does not believe the presenter discriminated against any person or group in society. The broadcaster believes the broadcast was fair, objective and impartial and was not in breach of the Broadcasting Act 2009 or the relevant BAI 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 Codes, the Compliance Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The broadcast was an interview with Minister for Health, Stephen Donnelly, in relation to public health matters concerning Covid-19. At the end of the interview, the presenter put comments and questions from listeners to the Minister.

The complaint was submitted under rule 4.1 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.

The Committee considered whether the presenter's comments and questions demonstrated bias or prejudice, such that they would constitute an infringement of the Code or relevant statutory provisions. The Committee noted the interview covered a range of matters connected to Covid-19 and the presenter's comments and questions relevant to this complaint may be summarised as:

- Questioning why it took so long to introduce antigen testing.
- Suggested comparisons with France rather than the UK would be better because of France's lower death rate from Covid-19 and commented on their use of mandatory vaccination for healthcare workers and the use of vaccine passes for many public spaces.
- Commented that he would not want to go to a hospital to be treated where staff could ask if he was vaccinated but he could not ask medical staff if they were.
- Commented that employers cannot ask if their workers are vaccinated because of data regulation but noted that other EU countries subject to same data regulation do not share this view.
- Questioned what case or hospital numbers or circumstances would prompt further actions or public health restrictions by Government.
- Commented that unvaccinated people are deemed to be vulnerable and it would be logical for Government to tell those people to stay at home. The presenter drew a comparison with how he, because of his age, had been deemed a vulnerable person at the start of the pandemic and had had to "cocoon" at home.
- Commented that school children in Ireland between the ages of 5 and 12 are not required to wear a mask as they are in France.
- Commented that "we're being too easy" on people who choose not to get a vaccine, because they don't believe in the science behind the vaccines or because they believe in conspiracy theories about the vaccine. The presenter asked, "why give them any quarter at all?".

The Committee was of the view that the type of issues raised by the presenter in these comments and questions, and in the interview as a whole, were relevant and appropriate in the context of interviewing a Government minister about his area of responsibility. The Committee was satisfied it was editorially legitimate to draw comparisons with other countries and to question whether measures introduced in other countries would work in Ireland. The Committee also believed that

questioning whether there ought to be restrictions specifically for people who are not vaccinated is editorially legitimate in the context of interviewing the Minister for Health about the public health response to a pandemic.

The Committee noted that the Code allows for current affairs presenters to robustly challenge and question interviewees in order to provide a range of opinion on a subject. The Committee was satisfied that this is the role the presenter played in this broadcast. The Committee was of the opinion that the presenter's comments and questions were in keeping with the established style of the programme and the presenter and with audience expectations of the programme. The Committee did not believe the presenter's comments and questions demonstrated any bias or prejudice. The Committee was satisfied the subject was presented in the broadcast in an objective and impartial manner, without any expression of the broadcaster's views, and was fair to all interests concerned.

The complaint was also submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the presenter's comments and questions in relation to people who are not vaccinated infringed the Code of Programme Standards or the relevant statutory provisions. The Committee noted that it had been public policy in Ireland to have different public health restrictions in place for people based on their Covid-19 vaccination status. The Committee is of the view that it is editorially legitimate to question a Government minister on its decisions and plans in relation to such public policies and such content has an important role in informing the public on matters of national policy. The Committee acknowledges the complainant may not agree with a policy of public health restrictions for people who are not vaccinated against Covid-19 and may be offended by questions as to whether such restrictions should be reintroduced, however, the Code of Programme Standards is not intended to be used to stifle expression of views and discussion on such matters of public importance.

The Committee noted that people who are not vaccinated are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code of Programme Standards. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5613**
Complainant	[redacted]
Station	Newstalk 106-108FM
Programme Name	The Pat Kenny Show
Broadcast Date	28th October 2021
Broadcast Time	09:00
Programme Description	Current affairs programme, broadcast each weekday 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 - rule 4.1; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards - Principle 5.

Complaint Summary

The complaint concerns an episode of the programme which included a segment called 'Covid Roundup', containing interviews with medical and scientific academics and practitioners, and an interview with Minister for Health, Stephen Donnelly.

The complainant believes the presenter was prejudiced against people who are not vaccinated against Covid-19 and this prejudice prevented the subject matter from being presented in an objective and impartial manner.

The complainant states that a comment made by the presenter that people who are not vaccinated should stay at home because they place people who are vaccinated at risk is based on the presenter's personal bias, is not grounded in objective scientific evidence and is divisive and discriminatory.

The complainant believes the presenter's comment that society was being "too easy" on people who are choosing not to be vaccinated is inflammatory, discriminatory and potentially harmful.

The complainant is of the opinion that the presenter's comments in relation to employers needing to know whether employees are vaccinated demonstrated a lack of knowledge of discrimination in the workplace under employment equality legislation and a disregard for privacy law. The complainant believes the presenter's comments about employees are based on bias rather than on any grounding in science.

The complainant also noted the presenter's reference to children wearing masks in France was not qualified with a reference to the many European countries that do not have mask mandates in schools or the conclusions of Irish health experts that reducing the minimum age for mandatory mask wearing was not necessary, proportionate or justifiable.

Broadcaster Response Summary

The broadcaster notes that all the comments referenced in the complaint were made during the interview with Minister for Health, Stephen Donnelly, which covered a range of matters relating to the Covid-19 pandemic. The broadcaster was of the view the identified comments have been taken out of context.

The broadcaster notes that part of the role of a current affairs presenter is to ensure the audience is exposed to a wide variety of views on a subject, which includes facilitating the views of the interviewee and reflecting the views of those not contributing to the programme. The broadcaster states the presenter may robustly question an interviewee and convey a critical view, which may include challenging the approach of Government. The broadcaster believes the comments referenced in the complaint were of this nature and were not an expression of the presenter's personal views.

The broadcaster believes the presenter's comments in relation to people who are not vaccinated being told to stay at home were clearly drawing a parallel between vulnerable members of society before vaccines were introduced and those who are deemed vulnerable now, that is, people who are not vaccinated being akin to people who had to "cocoon" before vaccines were available. The broadcaster notes that restrictions for people who are not vaccinated was not novel given the use of Covid-19 vaccine certificates and these comments do not support or condone discrimination of any person or group in society.

The broadcaster makes a similar argument in relation to the presenter's comments about mask mandates for children aged 5 to 12, as a group of people who are vulnerable because they are not vaccinated.

The broadcaster states that the presenter's comments about being "too easy" on people who choose not to have a vaccine, who say "there is a chip in the vaccine that will affect my brain", were made in the course of a responsible and robust discussion with the Minister and do not constitute discrimination against a cohort of people who are not vaccinated or any groups protected under equality law. The broadcaster believes the "chip in the brain" comment is a tongue in cheek reference to a conspiracy theory about governments supporting mass chip implantation under the pretext of Covid-19 vaccinations.

In relation to the comments about employers knowing if employees are vaccinated, the broadcaster believes the presenter was conveying the views of a listener in order to question the Minister about GDPR and Covid-19 in the workplace and is comparing Ireland with other countries.

The broadcaster does not believe the presenter discriminated against any person or group in society. The broadcaster believes the broadcast was fair, objective and impartial and was not in breach of the Broadcasting Act 2009 or the relevant BAI 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 Codes, the Compliance Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The broadcast was an interview with Minister for Health, Stephen Donnelly, in relation to public health matters concerning Covid-19. At the end of the interview, the presenter put comments and questions from listeners to the Minister.

The complaint was submitted under rule 4.1 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.

The Committee considered whether the presenter's comments and questions demonstrated bias or prejudice, such that they would constitute an infringement of the Code or relevant statutory provisions. The Committee noted the interview covered a range of matters connected to Covid-19 and the presenter's comments and questions relevant to this complaint may be summarised as:

- Questioning why it took so long to introduce antigen testing.
- Suggested comparisons with France rather than the UK would be better because of France's lower death rate from Covid-19 and commented on their use of mandatory vaccination for healthcare workers and the use of vaccine passes for many public spaces.
- Commented that he would not want to go to a hospital to be treated where staff could ask if he was vaccinated but he could not ask medical staff if they were.
- Commented that employers cannot ask if their workers are vaccinated because of data regulation but noted that other EU countries subject to same data regulation do not share this view.
- Questioned what case or hospital numbers or circumstances would prompt further actions or public health restrictions by Government.
- Commented that unvaccinated people are deemed to be vulnerable and it would be logical for Government to tell those people to stay at home. The presenter drew a comparison with how he, because of his age, had been deemed a vulnerable person at the start of the pandemic and had had to "cocoon" at home.
- Commented that school children in Ireland between the ages of 5 and 12 are not required to wear a mask as they are in France.
- Commented that "we're being too easy" on people who choose not to get a vaccine, because they don't believe in the science behind the vaccines or because they believe in conspiracy theories about the vaccine. The presenter asked, "why give them any quarter at all?".

The Committee was of the view that the type of issues raised by the presenter in these comments and questions, and in the interview as a whole, were relevant and appropriate in the context of interviewing a Government minister about his area of responsibility. The Committee was satisfied it was editorially legitimate to draw comparisons with other countries and to question whether measures introduced in other countries would work in Ireland. The Committee also believed that

questioning whether there ought to be restrictions specifically for people who are not vaccinated is editorially legitimate in the context of interviewing the Minister for Health about the public health response to a pandemic.

The Committee noted that the Code allows for current affairs presenters to robustly challenge and question interviewees in order to provide a range of opinion on a subject. The Committee was satisfied that this is the role the presenter played in this broadcast. The Committee was of the opinion that the presenter's comments and questions were in keeping with the established style of the programme and the presenter and with audience expectations of the programme. The Committee did not believe the presenter's comments and questions demonstrated any bias or prejudice. The Committee was satisfied the subject was presented in the broadcast in an objective and impartial manner, without any expression of the broadcaster's views, and was fair to all interests concerned.

The complaint was also submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the presenter's comments and questions in relation to people who are not vaccinated infringed the Code of Programme Standards or the relevant statutory provisions. The Committee noted that it had been public policy in Ireland to have different public health restrictions in place for people based on their Covid-19 vaccination status. The Committee is of the view that it is editorially legitimate to question a Government minister on its decisions and plans in relation to such public policies and such content has an important role in informing the public on matters of national policy. The Committee acknowledges the complainant may not agree with a policy of public health restrictions for people who are not vaccinated against Covid-19 and may be offended by questions as to whether such restrictions should be reintroduced, however, the Code of Programme Standards is not intended to be used to stifle expression of views and discussion on such matters of public importance.

The Committee noted that people who are not vaccinated are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code of Programme Standards. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5616**
Complainant	[redacted]
Station	Newstalk 106-108FM
Programme Name	The Pat Kenny Show
Broadcast Date	28th October 2021
Broadcast Time	09:00
Programme Description	Current affairs programme, broadcast each weekday 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, 4.18, 4.19 and 4.20; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards - Principle 5.

Complaint Summary

The complaint concerns an episode of the programme which included a segment called 'Covid Roundup', containing interviews with medical and scientific academics and practitioners, and an interview with Minister for Health, Stephen Donnelly.

The complainant believes the presenter was prejudiced against people who are not vaccinated against Covid-19 and this prejudice prevented the subject matter from being presented in an objective and impartial manner.

The complainant states that a comment made by the presenter that people who are not vaccinated should stay at home because they place people who are vaccinated at risk is based on the presenter's personal bias, is not grounded in objective scientific evidence and is divisive and discriminatory.

The complainant believes the presenter's comment that society was being "too easy" on people who are choosing not to be vaccinated is inflammatory, discriminatory and potentially harmful.

The complainant is of the opinion that the presenter's comments in relation to employers needing to know whether employees are vaccinated demonstrated a lack of knowledge of discrimination in the workplace under employment equality legislation and a disregard for privacy law. The complainant believes the presenter's comments about employees are based on bias rather than on any grounding in science.

The complainant also noted the presenter's reference to children wearing masks in France was not qualified with a reference to the many European countries that do not have mask mandates in schools or the conclusions of Irish health experts that reducing the minimum age for mandatory mask wearing was not necessary, proportionate or justifiable.

Broadcaster Response Summary

The broadcaster notes that all the comments referenced in the complaint were made during the interview with Minister for Health, Stephen Donnelly, which covered a range of matters relating to the Covid-19 pandemic. The broadcaster was of the view the identified comments have been taken out of context.

The broadcaster notes that part of the role of a current affairs presenter is to ensure the audience is exposed to a wide variety of views on a subject, which includes facilitating the views of the interviewee and reflecting the views of those not contributing to the programme. The broadcaster states the presenter may robustly question an interviewee and convey a critical view, which may include challenging the approach of Government. The broadcaster believes the comments referenced in the complaint were of this nature and were not an expression of the presenter's personal views.

The broadcaster believes the presenter's comments in relation to people who are not vaccinated being told to stay at home were clearly drawing a parallel between vulnerable members of society before vaccines were introduced and those who are deemed vulnerable now, that is, people who are not vaccinated being akin to people who had to "cocoon" before vaccines were available. The broadcaster notes that restrictions for people who are not vaccinated was not novel given the use of Covid-19 vaccine certificates and these comments do not support or condone discrimination of any person or group in society.

The broadcaster makes a similar argument in relation to the presenter's comments about mask mandates for children aged 5 to 12, as a group of people who are vulnerable because they are not vaccinated.

The broadcaster states that the presenter's comments about being "too easy" on people who choose not to have a vaccine, who say "there is a chip in the vaccine that will affect my brain", were made in the course of a responsible and robust discussion with the Minister and do not constitute discrimination against a cohort of people who are not vaccinated or any groups protected under equality law. The broadcaster believes the "chip in the brain" comment is a tongue in cheek reference to a conspiracy theory about Governments supporting mass chip implantation under the pretext of Covid-19 vaccinations.

In relation to the comments about employers knowing if employees are vaccinated, the broadcaster believes the presenter was conveying the views of a listener in order to question the Minister about GDPR and Covid-19 in the workplace and is comparing Ireland with other countries.

The broadcaster does not believe the presenter discriminated against any person or group in society. The broadcaster believes the broadcast was fair, objective and impartial and was not in breach of the Broadcasting Act 2009 or the relevant BAI 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 Codes, the Compliance Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The broadcast was an interview with Minister for Health, Stephen Donnelly, in relation to public health matters concerning Covid-19. At the end of the interview, the presenter put comments and questions from listeners to the Minister.

The complaint was submitted under rules 4.1, 4.2, 4.17, 4.18, 4.19 and 4.20 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. 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, having regard to the circumstances and facts known at the time. Views and facts shall not be misrepresented or presented in such a way as to render them misleading. A significant mistake shall be acknowledged and rectified as speedily as possible, in an appropriate and proportionate manner.

The Committee decided rule 4.18 was not applicable to this complaint as it did not pertain to two or more related broadcasts.

The Committee considered whether the presenter's comments and questions demonstrated bias or prejudice, such that they would constitute an infringement of the Code or relevant statutory provisions. The Committee noted the interview covered a range of matters connected to Covid-19 and the presenter's comments and questions relevant to this complaint may be summarised as:

- Questioning why it took so long to introduce antigen testing.
- Suggested comparisons with France rather than the UK would be better because of France's lower death rate from Covid-19 and commented on their use of mandatory vaccination for healthcare workers and the use of vaccine passes for many public spaces.
- Commented that he would not want to go to a hospital to be treated where staff could ask if he was vaccinated but he could not ask medical staff if they were.
- Commented that employers cannot ask if their workers are vaccinated because of data regulation but noted that other EU countries subject to same data regulation do not share this view.
- Questioned what case or hospital numbers or circumstances would prompt further actions or public health restrictions by Government.
- Commented that unvaccinated people are deemed to be vulnerable and it would be logical for Government to tell those people to stay at home. The presenter drew a comparison with how he, because of his age, had been deemed a vulnerable person at the start of the pandemic and had had to "cocoon" at home.
- Commented that school children in Ireland between the ages of 5 and 12 are not required to wear a mask as they are in France.

- Commented that "we're being too easy" on people who choose not to get a vaccine, because
  they don't believe in the science behind the vaccines or because they believe in conspiracy theories about the vaccine. The presenter asked, "why give them any quarter at all?".

The Committee was of the view that the type of issues raised by the presenter in these comments and questions, and in the interview as a whole, were relevant and appropriate in the context of interviewing a Government minister about his area of responsibility. The Committee was satisfied it was editorially legitimate to draw comparisons with other countries and to question whether measures introduced in other countries would work in Ireland. The Committee also believed that questioning whether there ought to be restrictions specifically for people who are not vaccinated is editorially legitimate in the context of interviewing the Minister for Health about the public health response to a pandemic.

The Committee noted that the Code allows for current affairs presenters to robustly challenge and question interviewees in order to provide a range of opinion on a subject. The Committee was satisfied that this is the role the presenter played in this broadcast. The Committee was of the opinion that the presenter's comments and questions were in keeping with the established style of the programme and the presenter and with audience expectations of the programme. The Committee did not believe the presenter's comments and questions demonstrated any bias or prejudice. The Committee was satisfied the subject was presented in the broadcast in an objective and impartial manner, without any expression of the broadcaster's views, and was fair to all interests concerned.

The Committee found the complaint did not make a sufficient case that the broadcast contained any inaccuracy that would infringe rule 4.17 or that there were views or facts presented or misrepresented in such a way as to infringe rule 4.19 or that there was a significant mistake in the broadcast that would infringe rule 4.20.

The complaint was also submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the presenter's comments and questions in relation to people who are not vaccinated infringed the Code of Programme Standards or the relevant statutory provisions. The Committee noted that it had been public policy in Ireland to have different public health restrictions in place for people based on their Covid-19 vaccination status. The Committee is of the view that it is editorially legitimate to question a Government minister on its decisions and plans in relation to such public policies and such content has an important role in informing the public on matters of national policy. The Committee acknowledges the complainant may not agree with a policy of public health restrictions for people who are not vaccinated against Covid-19 and may be offended by questions as to whether such restrictions should be reintroduced, however, the Code of Programme Standards is not intended to be used to stifle expression of views and discussion on such matters of public importance.

The Committee noted that people who are not vaccinated are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code of Programme Standards. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5617**
Complainant	[redacted]
Station	Newstalk 106-108FM
Programme Name	The Pat Kenny Show
Broadcast Date	28th October 2021
Broadcast Time	09:00
Programme Description	Current affairs programme, broadcast each weekday 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 and 4.2; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards - Principle 5.

Complaint Summary

The complaint concerns an episode of the programme which included a segment called 'Covid Roundup', containing interviews with medical and scientific academics and practitioners, and an interview with Minister for Health, Stephen Donnelly.

The complainant believes the presenter was prejudiced against people who are not vaccinated against Covid-19 and this prejudice prevented the subject matter from being presented in an objective and impartial manner.

The complainant states that a comment made by the presenter that people who are not vaccinated should stay at home because they place people who are vaccinated at risk is based on the presenter's personal bias, is not grounded in objective scientific evidence and is divisive and discriminatory.

The complainant believes the presenter's comment that society was being "too easy" on people who are choosing not to be vaccinated is inflammatory, discriminatory and potentially harmful.

The complainant is of the opinion that the presenter's comments in relation to employers needing to know whether employees are vaccinated demonstrated a lack of knowledge of discrimination in the workplace under employment equality legislation and a disregard for privacy law. The complainant believes the presenter's comments about employees are based on bias rather than on any grounding in science.

The complainant also noted the presenter's reference to children wearing masks in France was not qualified with a reference to the many European countries that do not have mask mandates in schools or the conclusions of Irish health experts that reducing the minimum age for mandatory mask wearing was not necessary, proportionate or justifiable.

Broadcaster Response Summary

The broadcaster notes that all the comments referenced in the complaint were made during the interview with Minister for Health, Stephen Donnelly, which covered a range of matters relating to the Covid-19 pandemic. The broadcaster was of the view the identified comments have been taken out of context.

The broadcaster notes that part of the role of a current affairs presenter is to ensure the audience is exposed to a wide variety of views on a subject, which includes facilitating the views of the interviewee and reflecting the views of those not contributing to the programme. The broadcaster states the presenter may robustly question an interviewee and convey a critical view, which may include challenging the approach of Government. The broadcaster believes the comments referenced in the complaint were of this nature and were not an expression of the presenter's personal views.

The broadcaster believes the presenter's comments in relation to people who are not vaccinated being told to stay at home were clearly drawing a parallel between vulnerable members of society before vaccines were introduced and those who are deemed vulnerable now, that is, people who are not vaccinated being akin to people who had to "cocoon" before vaccines were available. The broadcaster notes that restrictions for people who are not vaccinated was not novel given the use of Covid-19 vaccine certificates and these comments do not support or condone discrimination of any person or group in society.

The broadcaster makes a similar argument in relation to the presenter's comments about mask mandates for children aged 5 to 12, as a group of people who are vulnerable because they are not vaccinated.

The broadcaster states that the presenter's comments about being "too easy" on people who choose not to have a vaccine, who say "there is a chip in the vaccine that will affect my brain", were made in the course of a responsible and robust discussion with the Minister and do not constitute discrimination against a cohort of people who are not vaccinated or any groups protected under equality law. The broadcaster believes the "chip in the brain" comment is a tongue in cheek reference to a conspiracy theory about governments supporting mass chip implantation under the pretext of Covid-19 vaccinations.

In relation to the comments about employers knowing if employees are vaccinated, the broadcaster believes the presenter was conveying the views of a listener in order to question the Minister about GDPR and Covid-19 in the workplace and is comparing Ireland with other countries.

The broadcaster does not believe the presenter discriminated against any person or group in society. The broadcaster believes the broadcast was fair, objective and impartial and was not in breach of the Broadcasting Act 2009 or the relevant BAI 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 Codes, the Compliance Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The broadcast was an interview with Minister for Health, Stephen Donnelly, in relation to public health matters concerning Covid-19. At the end of the interview, the presenter put comments and questions from listeners to the Minister.

The complaint was submitted 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. 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 considered whether the presenter's comments and questions demonstrated bias or prejudice, such that they would constitute an infringement of the Code or relevant statutory provisions. The Committee noted the interview covered a range of matters connected to Covid-19 and the presenter's comments and questions relevant to this complaint may be summarised as:

- Questioning why it took so long to introduce antigen testing.
- Suggested comparisons with France rather than the UK would be better because of France's lower death rate from Covid-19 and commented on their use of mandatory vaccination for healthcare workers and the use of vaccine passes for many public spaces.
- Commented that he would not want to go to a hospital to be treated where staff could ask if he was vaccinated but he could not ask medical staff if they were.
- Commented that employers cannot ask if their workers are vaccinated because of data regulation but noted that other EU countries subject to same data regulation do not share this view.
- Questioned what case or hospital numbers or circumstances would prompt further actions or public health restrictions by Government.
- Commented that unvaccinated people are deemed to be vulnerable and it would be logical for Government to tell those people to stay at home. The presenter drew a comparison with how he, because of his age, had been deemed a vulnerable person at the start of the pandemic and had had to "cocoon" at home.
- Commented that school children in Ireland between the ages of 5 and 12 are not required to wear a mask as they are in France.
- Commented that "we're being too easy" on people who choose not to get a vaccine, because they don't believe in the science behind the vaccines or because they believe in conspiracy theories about the vaccine. The presenter asked, "why give them any quarter at all?".

The Committee was of the view that the type of issues raised by the presenter in these comments and questions, and in the interview as a whole, were relevant and appropriate in the context of interviewing a Government minister about his area of responsibility. The Committee was satisfied it

was editorially legitimate to draw comparisons with other countries and to question whether measures introduced in other countries would work in Ireland. The Committee also believed that questioning whether there ought to be restrictions specifically for people who are not vaccinated is editorially legitimate in the context of interviewing the Minister for Health about the public health response to a pandemic.

The Committee noted that the Code allows for current affairs presenters to robustly challenge and question interviewees in order to provide a range of opinion on a subject. The Committee was satisfied that this is the role the presenter played in this broadcast. The Committee was of the opinion that the presenter's comments and questions were in keeping with the established style of the programme and the presenter and with audience expectations of the programme. The Committee did not believe the presenter's comments and questions demonstrated any bias or prejudice. The Committee was satisfied the subject was presented in the broadcast in an objective and impartial manner, without any expression of the broadcaster's views, and was fair to all interests concerned.

The complaint was also submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the presenter's comments and questions in relation to people who are not vaccinated infringed the Code of Programme Standards or the relevant statutory provisions. The Committee noted that it had been public policy in Ireland to have different public health restrictions in place for people based on their Covid-19 vaccination status. The Committee is of the view that it is editorially legitimate to question a Government minister on its decisions and plans in relation to such public policies and such content has an important role in informing the public on matters of national policy. The Committee acknowledges the complainant may not agree with a policy of public health restrictions for people who are not vaccinated against Covid-19 and may be offended by questions as to whether such restrictions should be reintroduced, however, the Code of Programme Standards is not intended to be used to stifle expression of views and discussion on such matters of public importance.

The Committee noted that people who are not vaccinated are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code of Programme Standards. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5625**
Complainant	[redacted]
Station	Newstalk 106-108FM
Programme Name	The Pat Kenny Show
Broadcast Date	28th October 2021
Broadcast Time	09:00
Programme Description	Current affairs programme, broadcast each weekday 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 - rule 4.1; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards - Principle 5.

Complaint Summary

The complaint concerns an episode of the programme which included a segment called 'Covid Roundup', containing interviews with medical and scientific academics and practitioners, and an interview with Minister for Health, Stephen Donnelly.

The complainant believes the presenter was prejudiced against people who are not vaccinated against Covid-19 and this prejudice prevented the subject matter from being presented in an objective and impartial manner.

The complainant states that a comment made by the presenter that people who are not vaccinated should stay at home because they place people who are vaccinated at risk is based on the presenter's personal bias, is not grounded in objective scientific evidence and is divisive and discriminatory.

The complainant believes the presenter's comment that society was being "too easy" on people who are choosing not to be vaccinated is inflammatory, discriminatory and potentially harmful.

The complainant is of the opinion that the presenter's comments in relation to employers needing to know whether employees are vaccinated demonstrated a lack of knowledge of discrimination in the workplace under employment equality legislation and a disregard for privacy law. The complainant believes the presenter's comments about employees are based on bias rather than on any grounding in science.

The complainant also noted the presenter's reference to children wearing masks in France was not qualified with a reference to the many European countries that do not have mask mandates in schools or the conclusions of Irish health experts that reducing the minimum age for mandatory mask wearing was not necessary, proportionate or justifiable.

Broadcaster Response Summary

The broadcaster notes that all the comments referenced in the complaint were made during the interview with Minister for Health, Stephen Donnelly, which covered a range of matters relating to the Covid-19 pandemic. The broadcaster was of the view the identified comments have been taken out of context.

The broadcaster notes that part of the role of a current affairs presenter is to ensure the audience is exposed to a wide variety of views on a subject, which includes facilitating the views of the interviewee and reflecting the views of those not contributing to the programme. The broadcaster states the presenter may robustly question an interviewee and convey a critical view, which may include challenging the approach of Government. The broadcaster believes the comments referenced in the complaint were of this nature and were not an expression of the presenter's personal views.

The broadcaster believes the presenter's comments in relation to people who are not vaccinated being told to stay at home were clearly drawing a parallel between vulnerable members of society before vaccines were introduced and those who are deemed vulnerable now, that is, people who are not vaccinated being akin to people who had to "cocoon" before vaccines were available. The broadcaster notes that restrictions for people who are not vaccinated was not novel given the use of Covid-19 vaccine certificates and these comments do not support or condone discrimination of any person or group in society.

The broadcaster makes a similar argument in relation to the presenter's comments about mask mandates for children aged 5 to 12, as a group of people who are vulnerable because they are not vaccinated.

The broadcaster states that the presenter's comments about being "too easy" on people who choose not to have a vaccine, who say "there is a chip in the vaccine that will affect my brain", were made in the course of a responsible and robust discussion with the Minister and do not constitute discrimination against a cohort of people who are not vaccinated or any groups protected under equality law. The broadcaster believes the "chip in the brain" comment is a tongue in cheek reference to a conspiracy theory about Governments supporting mass chip implantation under the pretext of Covid-19 vaccinations.

In relation to the comments about employers knowing if employees are vaccinated, the broadcaster believes the presenter was conveying the views of a listener in order to question the Minister about GDPR and Covid-19 in the workplace and is comparing Ireland with other countries.

The broadcaster does not believe the presenter discriminated against any person or group in society. The broadcaster believes the broadcast was fair, objective and impartial and was not in breach of the Broadcasting Act 2009 or the relevant BAI 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 Codes, the Compliance Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The broadcast was an interview with Minister for Health, Stephen Donnelly, in relation to public health matters concerning Covid-19. At the end of the interview, the presenter put comments and questions from listeners to the Minister.

The complaint was submitted under rule 4.1 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.

The Committee considered whether the presenter's comments and questions demonstrated bias or prejudice, such that they would constitute an infringement of the Code or relevant statutory provisions. The Committee noted the interview covered a range of matters connected to Covid-19 and the presenter's comments and questions relevant to this complaint may be summarised as:

- Questioning why it took so long to introduce antigen testing.
- Suggested comparisons with France rather than the UK would be better because of France's lower death rate from Covid-19 and commented on their use of mandatory vaccination for healthcare workers and the use of vaccine passes for many public spaces.
- Commented that he would not want to go to a hospital to be treated where staff could ask if he was vaccinated but he could not ask medical staff if they were.
- Commented that employers cannot ask if their workers are vaccinated because of data regulation but noted that other EU countries subject to same data regulation do not share this view.
- Questioned what case or hospital numbers or circumstances would prompt further actions or public health restrictions by Government.
- Commented that unvaccinated people are deemed to be vulnerable and it would be logical for Government to tell those people to stay at home. The presenter drew a comparison with how he, because of his age, had been deemed a vulnerable person at the start of the pandemic and had had to "cocoon" at home.
- Commented that school children in Ireland between the ages of 5 and 12 are not required to wear a mask as they are in France.
- Commented that "we're being too easy" on people who choose not to get a vaccine, because they don't believe in the science behind the vaccines or because they believe in conspiracy theories about the vaccine. The presenter asked, "why give them any quarter at all?".

The Committee was of the view that the type of issues raised by the presenter in these comments and questions, and in the interview as a whole, were relevant and appropriate in the context of interviewing a Government minister about his area of responsibility. The Committee was satisfied it was editorially legitimate to draw comparisons with other countries and to question whether measures introduced in other countries would work in Ireland. The Committee also believed that

questioning whether there ought to be restrictions specifically for people who are not vaccinated is editorially legitimate in the context of interviewing the Minister for Health about the public health response to a pandemic.

The Committee noted that the Code allows for current affairs presenters to robustly challenge and question interviewees in order to provide a range of opinion on a subject. The Committee was satisfied that this is the role the presenter played in this broadcast. The Committee was of the opinion that the presenter's comments and questions were in keeping with the established style of the programme and the presenter and with audience expectations of the programme. The Committee did not believe the presenter's comments and questions demonstrated any bias or prejudice. The Committee was satisfied the subject was presented in the broadcast in an objective and impartial manner, without any expression of the broadcaster's views, and was fair to all interests concerned.

The complaint was also submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the presenter's comments and questions in relation to people who are not vaccinated infringed the Code of Programme Standards or the relevant statutory provisions. The Committee noted that it had been public policy in Ireland to have different public health restrictions in place for people based on their Covid-19 vaccination status. The Committee is of the view that it is editorially legitimate to question a Government minister on its decisions and plans in relation to such public policies and such content has an important role in informing the public on matters of national policy. The Committee acknowledges the complainant may not agree with a policy of public health restrictions for people who are not vaccinated against Covid-19 and may be offended by questions as to whether such restrictions should be reintroduced, however, the Code of Programme Standards is not intended to be used to stifle expression of views and discussion on such matters of public importance.

The Committee noted that people who are not vaccinated are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code of Programme Standards. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

Complaint Reference Number	**C5636**
Complainant	[redacted]
Station	Newstalk 106-108FM
Programme Name	The Pat Kenny Show
Broadcast Date	28th October 2021
Broadcast Time	09:00
Programme Description	Current affairs programme, broadcast each weekday 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 - rule 4.1 and 4.2; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards - Principle 5.

Complaint Summary

The complaint concerns an episode of the programme which included a segment called 'Covid Roundup', containing interviews with medical and scientific academics and practitioners, and an interview with Minister for Health, Stephen Donnelly.

The complainant believes the presenter was prejudiced against people who are not vaccinated against Covid-19 and this prejudice prevented the subject matter from being presented in an objective and impartial manner.

The complainant states that a comment made by the presenter that people who are not vaccinated should stay at home because they place people who are vaccinated at risk is based on the presenter's personal bias, is not grounded in objective scientific evidence and is divisive and discriminatory.

The complainant believes the presenter's comment that society was being "too easy" on people who are choosing not to be vaccinated is inflammatory, discriminatory and potentially harmful.

The complainant is of the opinion that the presenter's comments in relation to employers needing to know whether employees are vaccinated demonstrated a lack of knowledge of discrimination in the workplace under employment equality legislation and a disregard for privacy law. The complainant believes the presenter's comments about employees are based on bias rather than on any grounding in science.

The complainant also noted the presenter's reference to children wearing masks in France was not qualified with a reference to the many European countries that do not have mask mandates in schools or the conclusions of Irish health experts that reducing the minimum age for mandatory mask wearing was not necessary, proportionate or justifiable.

Broadcaster Response Summary

The broadcaster notes that all the comments referenced in the complaint were made during the interview with Minister for Health, Stephen Donnelly, which covered a range of matters relating to the Covid-19 pandemic. The broadcaster was of the view the identified comments have been taken out of context.

The broadcaster notes that part of the role of a current affairs presenter is to ensure the audience is exposed to a wide variety of views on a subject, which includes facilitating the views of the interviewee and reflecting the views of those not contributing to the programme. The broadcaster states the presenter may robustly question an interviewee and convey a critical view, which may include challenging the approach of Government. The broadcaster believes the comments referenced in the complaint were of this nature and were not an expression of the presenter's personal views.

The broadcaster believes the presenter's comments in relation to people who are not vaccinated being told to stay at home were clearly drawing a parallel between vulnerable members of society before vaccines were introduced and those who are deemed vulnerable now, that is, people who are not vaccinated being akin to people who had to "cocoon" before vaccines were available. The broadcaster notes that restrictions for people who are not vaccinated was not novel given the use of Covid-19 vaccine certificates and these comments do not support or condone discrimination of any person or group in society.

The broadcaster makes a similar argument in relation to the presenter's comments about mask mandates for children aged 5 to 12, as a group of people who are vulnerable because they are not vaccinated.

The broadcaster states that the presenter's comments about being "too easy" on people who choose not to have a vaccine, who say "there is a chip in the vaccine that will affect my brain", were made in the course of a responsible and robust discussion with the Minister and do not constitute discrimination against a cohort of people who are not vaccinated or any groups protected under equality law. The broadcaster believes the "chip in the brain" comment is a tongue in cheek reference to a conspiracy theory about governments supporting mass chip implantation under the pretext of Covid-19 vaccinations.

In relation to the comments about employers knowing if employees are vaccinated, the broadcaster believes the presenter was conveying the views of a listener in order to question the Minister about GDPR and Covid-19 in the workplace and is comparing Ireland with other countries.

The broadcaster does not believe the presenter discriminated against any person or group in society. The broadcaster believes the broadcast was fair, objective and impartial and was not in breach of the Broadcasting Act 2009 or the relevant BAI 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 Codes, the Compliance Committee decided to reject the complaint. The reasons for the Committee's decision are set out below.

The broadcast was an interview with Minister for Health, Stephen Donnelly, in relation to public health matters concerning Covid-19. At the end of the interview, the presenter put comments and questions from listeners to the Minister.

The complaint was submitted 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. 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 considered whether the presenter's comments and questions demonstrated bias or prejudice, such that they would constitute an infringement of the Code or relevant statutory provisions. The Committee noted the interview covered a range of matters connected to Covid-19 and the presenter's comments and questions relevant to this complaint may be summarised as:

- Questioning why it took so long to introduce antigen testing.
- Suggested comparisons with France rather than the UK would be better because of France's lower death rate from Covid-19 and commented on their use of mandatory vaccination for healthcare workers and the use of vaccine passes for many public spaces.
- Commented that he would not want to go to a hospital to be treated where staff could ask if he was vaccinated but he could not ask medical staff if they were.
- Commented that employers cannot ask if their workers are vaccinated because of data regulation but noted that other EU countries subject to same data regulation do not share this view.
- Questioned what case or hospital numbers or circumstances would prompt further actions or public health restrictions by Government.
- Commented that unvaccinated people are deemed to be vulnerable and it would be logical for Government to tell those people to stay at home. The presenter drew a comparison with how he, because of his age, had been deemed a vulnerable person at the start of the pandemic and had had to "cocoon" at home.
- Commented that school children in Ireland between the ages of 5 and 12 are not required to wear a mask as they are in France.
- Commented that "we're being too easy" on people who choose not to get a vaccine, because they don't believe in the science behind the vaccines or because they believe in conspiracy theories about the vaccine. The presenter asked, "why give them any quarter at all?".

The Committee was of the view that the type of issues raised by the presenter in these comments and questions, and in the interview as a whole, were relevant and appropriate in the context of interviewing a Government minister about his area of responsibility. The Committee was satisfied it

was editorially legitimate to draw comparisons with other countries and to question whether measures introduced in other countries would work in Ireland. The Committee also believed that questioning whether there ought to be restrictions specifically for people who are not vaccinated is editorially legitimate in the context of interviewing the Minister for Health about the public health response to a pandemic.

The Committee noted that the Code allows for current affairs presenters to robustly challenge and question interviewees in order to provide a range of opinion on a subject. The Committee was satisfied that this is the role the presenter played in this broadcast. The Committee was of the opinion that the presenter's comments and questions were in keeping with the established style of the programme and the presenter and with audience expectations of the programme. The Committee did not believe the presenter's comments and questions demonstrated any bias or prejudice. The Committee was satisfied the subject was presented in the broadcast in an objective and impartial manner, without any expression of the broadcaster's views, and was fair to all interests concerned.

The complaint was also submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the presenter's comments and questions in relation to people who are not vaccinated infringed the Code of Programme Standards or the relevant statutory provisions. The Committee noted that it had been public policy in Ireland to have different public health restrictions in place for people based on their Covid-19 vaccination status. The Committee is of the view that it is editorially legitimate to question a Government minister on its decisions and plans in relation to such public policies and such content has an important role in informing the public on matters of national policy. The Committee acknowledges the complainant may not agree with a policy of public health restrictions for people who are not vaccinated against Covid-19 and may be offended by questions as to whether such restrictions should be reintroduced, however, the Code of Programme Standards is not intended to be used to stifle expression of views and discussion on such matters of public importance.

The Committee noted that people who are not vaccinated are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code of Programme Standards. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.

Rejected by Executive Complaints Forum

Complaint Reference Number	**C5577**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Today with Claire Byrne
Broadcast Date	21st October 2021
Broadcast Time	10:00
Programme Description	Current affairs programme, with Philip Boucher Hayes
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, 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); and, BAI Code of Programme Standards – Principle 5.

Complaint Summary

The complaint concerns an interview with the Chief Medical Officer (CMO), on matters related to the Covid-19 pandemic, including a discussion on whether the interviewee would invite a member of his family who was not vaccinated against Covid-19 to his home for Christmas.

The complainant notes, from the discussion, that the interviewee referred to an increased risk for people who are not vaccinated of picking up the disease and transmitting it. The complainant also notes the interviewee commented on the need for people to protect themselves and loved ones against Covid-19 by receiving the vaccine. The complainant claims that later in the interview the interviewee remarked that vaccines do not halt transmission of Covid-19 and are not a 'silver bullet'.

The complainant believes the latter remarks that vaccines do not stop transmission of Covid-19 undermine the interviewee's position that people who are not vaccinated pose a greater risk to society. The complainant believes the interviewee's comments in that regard have no scientific basis.

The complainant states that neither the presenter nor the interviewee spoke of people who cannot take a Covid-19 vaccine for underlying health reasons or because of religious or cultural beliefs or for other reasons.

The complainant believes that the implication of this conversation is that people who are not vaccinated are less equal than those who are vaccinated.

The complainant maintains that views expressed in the interview were discriminatory, divisive and supported the exclusion of certain people from normal life.

Broadcaster Response Summary

The broadcaster notes the interview was a wide-ranging assessment of the current Covid-19 situation in the context of public health restrictions being lifted on 22nd October 2021.

The broadcaster states that the interviewee's comments that people who are not vaccinated pose an increased risk of picking up and transmitting Covid-19 were made in the context of the interviewee's broader comments that the nature and scale of social gatherings at Christmas were a matter for individuals to determine.

The broadcaster believes the interview was fair to all interests and was grounded in established public health and scientific/medical advice.

The broadcaster believes the programme was fully compliant with all the 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 Codes, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The broadcast was an interview with the Chief Medical Officer (CMO), on matters related to the Covid-19 pandemic, including: the rise in the number of people in hospitals and in Intensive Care Units (ICU); pressure on General Practitioners; take-up of the vaccine programme; and, public health advice on mask wearing, hand hygiene and social interactions. The interview was conducted in the context of the Government's plan to lift some of the Covid-19 public health restrictions on 22nd October 2021.

The complaint was submitted under rule 4.1 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The Forum considered whether the interviewee's comments about the risks of social interaction with people who are not vaccinated against Covid-19 amounted to an infringement of the Code. In reviewing the broadcast, the Forum noted the interviewee spoke about the current context (at the time or broadcast) of increasing case numbers and numbers of people in hospital and in ICU with Covid-19. The interviewee noted that vaccines are effective in protecting many people from severe illness and death from Covid-19, but that vaccines alone would not be sufficient to suppress the virus and that improved "public health behaviours" would also be necessary. The Forum understood the interviewee's comment, "there is no single, silver bullet" as a reference to this point, which the interviewee made several times in the broadcast. The interviewee also offered advice for the public about the factors people ought to consider when socialising, particularly over the Christmas period. The interviewee emphasised the importance of individuals assessing the risk of social activity before engaging in it.

The Forum noted this was a wide-ranging interview with the CMO, which featured his views on the current public health measures required to address Covid-19. The Forum is of the opinion that it is editorially legitimate to hear the views of such a medical expert on this topic and the presenter

questioned and challenged the interviewee appropriately. The Forum found no evidence in the broadcast of content that would mislead the audience or of there being a lack of objectivity or impartiality in how the content was presented. The Forum found no evidence of any expression of the broadcaster's own views in relation to this topic.

The complaint was also submitted under Principle 5 of the Code of Programme Standards, which 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 of Programme Standards also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Forum considered whether the views expressed in relation to public health restrictions for people who are not vaccinated could have infringed on the provision of the Code of Programme Standards. The Forum noted that, at the time of broadcast, it had been public policy in this country to have different public health restrictions in place for people based on their Covid-19 vaccination status. The interviewee expressed support for Covid-19 vaccine certificates being required to access what he described as "high risk" places of social interaction, such as pubs and nightclubs.

The Forum is of the opinion that broadcasting the views of the CMO in support of a public health policy which restricts some social interactions for people who are not vaccinated is not evidence, in and of itself, of content that supports or condones discrimination or incites hatred against unvaccinated people. The Forum noted that people who are not vaccinated, for whatever reason, are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code. The Forum found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Forum decided the broadcast had not infringed the relevant provisions of the Broadcasting Act 2009, the Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the Code of Programme Standards. Accordingly, the Forum rejected the complaint.

Complaint Reference Number	**C5647**
Complainant	[redacted]
Station	LMFM
Programme Name	The Michael Reade Show
Broadcast Date	14th October 2021
Broadcast Time	09:15
Programme Description	Current affairs
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1, 4.2, 4.3, 4.12, 4.17, 4.18, 4.19, 4.21 and 4.22; Broadcasting Act 2009 – Section 48(1)(b) (harm and offence); and BAI Code of Programme Standards - Principles 1, 3, 5 and 6.

Complaint Summary

The complaint concerns comments made by the presenter during a discussion about Covid-19 vaccinations on the programme.

The complainant believes several comments and questions made by the presenter were contrary to various broadcast standards. The sample comments and questions may be summarised as:

- Noting that vaccinated people should be able to protect themselves against people who are not vaccinated;
- Referring to people who are not vaccinated as stupid;
- Noting that people who are not vaccinated are putting people who are vaccinated at risk and "destroying" their lives; and
- Commenting that the use of vaccine passes ought to be extended and better enforced.

The complainant believes the broadcast content represented unfair bias and an expression of personal opinions by the presenter. The complainant also claims the content constituted indirect discrimination against people protected under equality law and that the presenter's comments sowed division and incited hatred against people who are not vaccinated.

Broadcaster Response Summary

The broadcaster states that all the questions and comments referenced in the complaint were posed by the presenter in the conduct of an interview on an issue of public interest. The broadcaster notes that it is the presenter's task to pose difficult and often controversial questions to interviewees in order to inform the public and examine and analyse issues. The broadcaster states that this does not equate to the presenter expressing his own views on the issues.

The broadcaster acknowledges the presenter suggested to his interviewee that people who are not vaccinated were stupid and accepts that some might consider this offensive. The broadcaster notes, however, that the presenter clarified shortly after the interview ended that he was not referring to people

with genuine reasons not to be vaccinated but to those who refuse vaccinations because of various conspiracy theories.

The broadcaster does not believe the broadcast constituted incitement to hatred or indirect discrimination. The broadcaster believes it is in the public interest to point out circumstances where the behaviour of a small group of people negatively affects the majority and that this takes precedence over any perceived discrimination.

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 broadcast was an interview with Dr Marie Scully GP regarding the upward trajectory of infections of Covid-19, as addressed by the Taoiseach, Micheál Martin the previous day in the Dáil and to the comments made by the presenter in respect of those who refuse to receive the Covid-19 vaccination.

The complaint was submitted under rules 4.1, 4.2, 4.3, 4.12, 4.18, 4.19, 4.21 and 4.22 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires current affairs to be presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of current affairs, broadcasters shall comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. Broadcasters shall deal fairly with contributors to current affairs content. Views and facts shall not be misrepresented or presented in such a way as to render them misleading. The Code provides that current affairs presenters shall not express their own views such that a partisan position is advocated.

The Forum noted that rule 4.12 pertaining to the use of secret or undisclosed recording in current affairs content is not applicable because the complaint made no case that such recordings were used in the broadcast. The Forum noted that rule 4.18, which allows for two or more broadcasts to be considered as a whole, is not applicable because this complaint pertains to one broadcast only. The Forum noted that rule 4.21 pertaining to news presenters is not appliable because the broadcast is current affairs and not news.

The Forum noted the interview with a General Practitioner was conducted in the context of the Government lifting public health restrictions at a time of increasing Covid-19 case numbers and numbers of people in hospital and ICU with Covid-19 and the disproportionate number of those made up of unvaccinated people. The Forum believes this was a robust interview to elicit the views of a medical professional working directly with the public on the public health challenges facing her and her colleagues. The Forum noted that the Code does not require an "artificial balance" of viewpoints to achieve fairness, objectivity and impartiality in the treatment of a subject, an example of which may be the inclusion of views contrary to established fact or scientific consensus. The Forum acknowledged that broadcasters can, and should, give due weight to the consensus of scientific, medical, and public knowledge. The Forum believed the discussion on vaccination and those not

availing of vaccination was editorially legitimate in the context of scientific and public health expert consensus that Covid-19 vaccines can reduce the severity of illness and potential mortality from Covid-19 infection.

The Forum noted the comments and questions from the presenter in relation to people who are not vaccinated were strongly expressed and some of the language was injudicious, at times, for example when referring to some unvaccinated people as "stupid". The Forum understood this style and approach to be a means of adding colour and shade to the interview and to elicit the views of the interviewee. In this regard, the Forum noted, that the interviewee had ample time to respond to these questions and provided sympathetic counterpoints in the discussion. The Forum noted the Code does not preclude current affairs presenters from playing "devil's advocate" or taking a robust line of questioning where it serves to provide the audience with a range of views on a topic. In considering this broadcast, the Forum was satisfied the audience was provided with an appropriate range of views on the chosen topic and, taking the programme in whole and in context, the presenter had not advocated a partisan position. The Forum was also satisfied the broadcast had been presented in an objective and impartial manner.

The Forum found the complaint had made no case that the broadcaster had dealt unfairly with contributors.

The Forum found insufficient grounds in the complaint of the broadcast containing any views or facts that were misrepresented or presented in such a way as to be misleading.

The complaint was also submitted under Principles 1, 3, 5 and 6 of the BAI's Code of Programme Standards. The Code requires that programme material respect community standards, including attitudes to specific language terms and violent and sexual content. Principle 3 requires broadcasters to take due care to ensure audiences are not exposed to harmful content. Principle 5 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. Principle 6 provides that the public interest can be adversely affected by the omission of material and/or the inadequate representation of information or viewpoints.

The Forum considered whether there was any infringement of the Code in the comments and views expressed on the risks posed by social interaction with people who are not vaccinated, the reasons why people are choosing not to be vaccinated and the public health restrictions for people who are not vaccinated. The Forum noted that it has been public policy in this country to have different public health restrictions in place for people based on their Covid-19 vaccination status because people who are not vaccinated are at greater risk of severe illness, hospitalisation, and death from Covid-19. The Forum is of the view that it is editorially legitimate to discuss and debate these matters, giving due weight to the consensus of scientific and public health information in relation to the vaccines. The Forum acknowledges the complainant may not agree with a policy of public health restrictions for people who are not vaccinated against Covid-19 and may be offended by it, but the Code of Programme Standards is not intended to limit discussion on matters of public importance because of the potential offence caused, where such discussions are editorially justified and in the

public interest. The Forum found no basis to believe any of the views and comments expressed in the broadcast were contrary to community standards or stigmatized, supported or condoned discrimination or incited hatred against any person or group in society.

The Forum then considered whether the language used in the broadcast infringed the Code of Programme Standards in the manner specified in the complaint, in particular, the reference to certain people as “stupid”. The Code of Programme Standards 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 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 “stupid” was not used to describe all people who are not vaccinated, but just those who choose not to have a Covid-19 vaccine because they believe conspiracy theories about the vaccines, which are circulating on social media. The Forum acknowledged that this may have offended the complainant, but the Forum did not believe the term itself, or the manner and context in which it was used, would have caused undue offence or contravened any community standards on the use of language.

The Forum noted that people who are not vaccinated, for whatever reason, are not a group in society offered specific protection in equality legislation or in the provisions of the Code. The Forum found no evidence in the broadcast of language that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Code of Programme Standards regards harm as being less subjective than offence and harmful content is that which causes, mental, psychological or physical harm. The Forum found no evidence of harmful content in the broadcast.

The Forum found there was an insufficient case made in the complaint that the broadcast had adversely affected the public interest, contrary to the provisions of Principle 6 of the Code.

The Forum decided the programme had not infringed the relevant provisions of the Broadcasting Act 2009, the Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the Code of Programme Standards. On this basis, the Forum rejected the complaint.

Complaint Reference Number	**C5649**
Complainant	[redacted]
Station	LMFM
Programme Name	The Michael Reade Show
Broadcast Date	3rd November 2021
Broadcast Time	09:15
Programme Description	Current affairs
Complaint Category	Broadcasting Act 2009 – Section 48(1)(b)(harm and offence); and BAI Code of Programme Standards, Principle 5.

Complaint Summary

The complaint concerns comments made by the presenter during a discussion on Covid-19 vaccinations in an interview with Peadar Tóibín, TD.

The complainant believes comments made by the presenter constituted indirect discrimination against people protected under equality law, sowed division and incited hatred against people who are not vaccinated.

- *"Allowing children to mix with other children if one child has not been vaccinated and another one has"*
- *"Keeping children who have been vaccinated safe from those who have not been vaccinated"*
- *"People will be outraged and shocked if they think that their vaccinated children will be playing with unvaccinated children"*
- *"If you've ten children who are playing basketball and you have one child who's not been vaccinated, they could play basketball on their own in a pod and the nine could play together, how would that suit you?"*

Broadcaster Response Summary

The broadcaster states that this broadcast featured an interview with local TD Peadar Tóibín, who had complained that children had been excluded from participating in certain sports and school trips because they had not been vaccinated.

The broadcaster states that all the questions and comments referenced in the complaint were posed by the presenter in the conduct of an interview on an issue of public interest. The broadcaster notes that it is the presenter's task to pose difficult and often controversial questions to interviewees in order to inform the public and examine and analyse issues. The broadcaster states that the interviewee argued against what he described as discriminatory treatment of some children while the presenter reflected the Government perspective on the matter. The broadcaster states that the presenter was playing 'devil's advocate' and presenting the audience with both sides of the debate.

The broadcaster does not believe the broadcast constituted incitement to hatred or indirect discrimination. The broadcaster believes the interview, when considered in its totality, is a discussion on topical issues of public interest which is fair and balanced to all involved.

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 broadcast was an interview with Peadar Tóibín TD to discuss children being prohibited from participating in organised sports if they have not been vaccinated against Covid-19.

The complaint was submitted under Principle 5 of the Code of Programme Standards which 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 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 interviewee expressed opinions that were clearly opposed to children being excluded from group sports activities based on their Covid-19 vaccination status, describing policies in this regard as discriminatory. The presenter robustly questioned and challenged the interviewee's opinions and referenced the perspective of people who would prefer their children not engage in group sports with children who are not vaccinated. The Forum noted the interviewee is an elected representative, with experience of handling robust interviews, and he had opportunity to express his views in the broadcast.

The Forum noted that part of the role of a current affairs presenter is to provide the audience with a range of views on a topic, which may be done by facilitating the expression of views from contributors to the programme or by the line of questioning taken with a single contributor. The Forum was satisfied that the comments and questions from the presenter were editorially legitimate in the context of this interview, which was broadcast at a time when there were some public health restrictions in place for people based on their Covid-19 vaccination status. The Forum noted that people who are not vaccinated, for whatever reason, are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code. The Forum did not believe any of the presenter's comments or questions in the broadcast constituted content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Forum decided the broadcast had not infringed the relevant provisions of the Broadcasting Act 2009 or the Code of Programme Standards. Accordingly, the Forum rejected the complaint.

Complaint Reference Number	**C5653**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	The Ronan Collins Show
Broadcast Date	8th December 2021
Broadcast Time	12:00
Programme Description	Music driven show
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principles 3 and 5.

Complaint Summary

The complaint concerns the broadcast of the hymn 'O Holy Night' on the programme.

The complainant believes that the broadcast of this hymn stigmatised him and other non-Christians, inappropriately and unjustifiably, on the basis of religion. The complainant is of the view that this stigmatisation prejudices respect for human dignity and is harmful to him and to others in society.

The complainant notes lyrics in the hymn referring to people as pining in sin and error. The complainant states that accusations of sin and of error are stigmas, grievous insults and egregious religious taunts that disparage persons and groups in society on the basis of religion. The complainant states that repeated playing of this hymn damages the complainant's good standing in society and condones discrimination against non-Christians.

The complainant is of the view that the hymn's lyrics which refer to a 'dear saviour' having brought a 'new and glorious morn' to some people stigmatises non-Christians.

The complainant states that the lyric 'fall on your knees' is disrespectful of human dignity because it is a posture of humiliation and to order someone to their knees is an abuse of power.

The complainant also states that the lyric 'And in His Name all oppression shall cease' is inappropriate and unjustifiable, noting examples of historical oppression carried out in the name of Christianity.

The complainant believes that the broadcaster, by repeatedly playing this hymn, is actively condoning and sponsoring the lies, false promises, stigmatisation and abuse of power contained in the lyrics.

Broadcaster Response Summary

The broadcaster does not accept that the broadcasting of 'O Holy Night' constitutes stigmatisation of non-Christians, or that it is harmful or unduly offensive.

The broadcaster states that this hymn 'O Holy Night' is well embedded in popular culture over many decades as evidenced by the many artists from diverse genres who have recorded a version of it. The broadcaster notes that this is a popular hymn among listeners of this programme and many versions of it were broadcast in the days before Christmas.

The broadcaster notes that it is mindful of its responsibility to serve the interests and concerns of a diverse audience and that Christianity is a predominant part of Irish culture. The broadcaster is of the view that this hymn is part of the likely music played on this programme during the Christmas period. The broadcaster notes that, in serving a diverse audience, there may be times when some content gives offence, but that offence is subjective and can vary from person to person.

The broadcaster does not believe playing this hymn was unduly offensive, harmful or in breach of Principle 5.

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 broadcast is a music-driven programme with listener choices of old and new favourite songs. The hymn 'O Holy Night' was played during the programme.

The complaint was submitted under a legislative provision requiring broadcasters ensure they do not broadcast anything which may reasonably be regarded as causing harm or offence. The complaint was also submitted under Principles 3 and 5 of the BAI's Code of Programme Standards. Principle 3 requires broadcasters to take due care to ensure audiences are not exposed to harmful content and Principle 5 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.

In considering this complaint, the Forum had regard to the seriousness of a possible decision that the broadcast of a song or hymn may be contrary to statutory or regulatory programme standards given the constitutional right to freedom of expression and the potential for the Forum's decision to amount to an effective broadcast ban or censorship of a song or hymn.

The Forum first considered whether the broadcast of the hymn could reasonably be regarded as causing harm or offence. The Forum noted a key distinction between harm and offence in the Code is that matters which cause offence can differ from person to person and are largely subjective in nature, whereas harmful material is material that has an 'effect', which may be mental, psychological or physical harm. The Forum acknowledged the complainant found some of the lyrics insulting and offensive for non-Christians but found no basis to believe that the broadcast of this hymn would cause harm as it is characterised in the Code.

In relation to offence, the Forum noted the Code recognises that broadcasts may, at times, cause offence to some people if they are reflecting and representing the diversity of society. 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. The Forum noted that lyrics referring to non-Christians as "pining in sin and error" and to a Christian God as having brought "a new and glorious morn" may be offensive to some non-Christians. The Forum also considered that expressions of religious views or beliefs such as these may be more offensive to some individuals because of personal circumstances or experiences. However, the Forum also noted that 'O Holy Night' is a well-known Christian hymn, broadcast during the Christian celebration period of Christmas to an audience that includes many Christians. The Forum was of the opinion that the broadcast of this hymn was in keeping with a programme of this nature and with audience expectations of the programme, particularly during the Christmas period. Considering the broadcast as a whole and in context, the Forum concluded the broadcast did not cause undue offence.

The Forum then considered whether the broadcast of certain lyrics in this hymn were contrary to Principle 5 of the Code. The Forum did not agree with the complainant's view that the lyric "fall on your knees" prejudiced respect for human dignity. The Forum noted that many different religions feature followers adopting supplicating poses, such as kneeling or bowing. As noted earlier, the Forum acknowledged that some non-Christians may be offended by the meaning of some of the hymn's lyrics, but the Forum did not believe that any of the broadcast content could reasonably be regarded as stigmatising non-Christians or supporting or condoning discrimination against non-Christians.

The Forum concluded the broadcast 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	**C5656**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Morning Ireland
Broadcast Date	25th November 2021
Broadcast Time	07:00
Programme Description	Current affairs
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1

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 complaint notes the item included statements from three individuals, none of which represented a pro-life view of the subject matter. The complainant states that the substance of the contribution from Bríd Smith TD was the failure of the Government to have the review of the operation of the 2018 Act completed within the specified three-year period and the resulting delays imposed on women seeking termination. The second contribution, from a General Practitioner (GP), referenced the limited number of hospitals and doctors providing abortion services. The contributions from the Director of the National Women's Council of Ireland (NWCI) related to poor coverage of abortion services and the fact that some women still had to travel to Britain to access such services.

The complainant claims there was an imbalance in the three contributions in that two were made by people associated with a political party and an organisation with an unequivocal pro-choice position and the third was from a medical professional orientated towards shortcomings in the availability of legal abortion services. The complainant believes the broadcast lacked a contributor from the pro-life side of the debate and did not include any expression of the pro-life position on the forthcoming review.

The complainant is of the view that the absence of a pro-life perspective could be said to result in the lack of information on alternatives, the benefits of the three-day waiting period and the need to care for babies surviving late-term terminations.

The complainant believes that the report was not presented in an objective and impartial manner.

Broadcaster Response Summary

The broadcaster states that the subject of the item was the alleged failure by Government to meet a deadline enshrined in legislation to review the working of the Health (Regulation of Termination of Pregnancy) Act 2018. The broadcaster states that the alleged delay had become the subject of political controversy, with opposition members in Dáil Éireann, among them Bríd Smith TD, having

written to the Minister for Health expressing their unhappiness with the delay. The broadcaster believes the broadcast made clear that this was the subject being covered.

The broadcaster is of the view the item was not a report on abortion *per se* or about whether abortion services should or should not be available. The broadcaster notes that the issue of whether abortion services should be available was determined in a referendum vote, which resulted in the 2018 Act.

The broadcaster states that the contributions from the GP and the Director of NWCI were their views on the practical impact of potentially delaying the review of the 2018 Act. The broadcaster believes their inclusion was editorially appropriate given the review is expected to include an examination of the views and experiences of service users and service providers. Given the subject of the report, the broadcaster believes there is no requirement to include a pro-life view.

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 broadcast is a report about the delay in conducting a three-year review of the Health (Regulation of Termination of Pregnancy) Act 2018 and the implications for service providers and users. The report included recorded interviews with a TD, a GP from Roscommon, and a representative of the Abortion Working Group.

The complaint was submitted under rule 4.1 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The Forum considered whether the broadcast had included a sufficient range of views on the subject to meet the above requirements of the Code. The Forum noted the editorial angle on the subject was a call from opposition politicians for the Government to stop delaying the review of the legislation and to set a timeframe to conclude that review. The report also presented views from contributors on how the legislation has given effect to making abortion services available in the country. The report referenced a pro-life rally that had taken place in relation to the review and what pro-life groups were calling for in relation to the legislation. The Forum noted that the report was not a pro-life versus pro-choice debate or discussion on whether abortion services ought to be provided or not. Considering this editorial approach, the Forum was satisfied the audience was provided with a sufficient variety of views on the subject. The Forum was satisfied the broadcast was fair to all interests concerned and that it was presented in an impartial and objective manner.

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	**C5657**
Complainant	[redacted]
Station	Virgin Media One
Programme Name	Ireland AM
Broadcast Date	14th January 2022
Broadcast Time	07:00
Programme Description	News, lifestyle features, human interest and consumer affairs stories
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principles 5 and 6.

Complaint Summary

The complaint concerns an item in the broadcast about women's safety in public in the context of the recent killing of a woman in Tullamore.

The complainant believes the title of the item "Are Women Safe on our Streets" stigmatised men with a wholly inappropriate tone of misandry.

The complainant states that the presenter's comments in relation to women not being safe on our streets because of men were inflammatory and baseless, because the recent killing in Tullamore had no suspect and the perpetrator may not be male.

The complainant also believes the discussion displayed a clear narrative that men in general are responsible for women feeling unsafe and that women do not attack women. The complainant believes the discussion pursued a personal agenda, which was demonstrated by the presenter's tone, and was unbalanced and prejudicial.

Broadcaster Response Summary

The broadcaster notes that this segment was a discussion about violence against women, with two relevant experts, in the aftermath of the most recent killing of a woman. The broadcaster believes the discussion was timely and sensitive in this context.

The broadcaster notes that on the day prior to this broadcast the Gardaí had issued a statement that the killing had been committed by one male, who acted alone.

The broadcaster believes there is no evidence of misandry or incitement to hatred in the 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 reasons for the decision are set out below.

The broadcast was a discussion with a representative of Women's Aid and a public health researcher about women's safety in public spaces. The context for this item was the killing of a woman in

Tullamore while she was out jogging.

The complaint was submitted under Principles 5 and 6 of the BAI's Code of Programme Standards. Principle 5 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. Principle 6 provides that the public interest can be adversely affected by the omission of material and/or the inadequate representation of information or viewpoints.

The Forum considered whether the broadcast stigmatised men. The Forum noted the news story of the woman who was killed in Tullamore was the prompt for much wider discussion about women's safety in public. The Forum noted the item did not focus on identifying the individual perpetrator of this particular crime but looked more broadly at violence in society perpetrated generally against women and girls. The Forum was of the opinion it was editorially legitimate to use a current news story to examine the broader issues and themes of the story that affect society. The Forum was satisfied the contributors offered relevant knowledge and expertise on the topic and one contributor also spoke of her personal experience of being and feeling unsafe in public. The Forum found no evidence in the content of misandry or of men being stigmatised.

The Forum found the complaint had not made a sufficient case as to how the broadcast had adversely affected the public interest. The Forum was of the opinion that it is in the public interest for broadcasts to discuss public health issues affecting all of society and for people to be able to speak about their personal experience of such issues.

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	**C5658**
Complainant	[redacted]
Station	Ocean FM
Programme Name	North West Today
Broadcast Date	17th January 2022
Broadcast Time	09:00
Programme Description	Current affairs
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principles 3 and 6.

Complaint Summary

The complaint concerns an interview with a medical doctor, and former election candidate for the Sligo-Leitrim constituency, who was speaking at a rally in Sligo town organised by a group named United Against Segregation.

The complainant believes the broadcast was harmful and irresponsible by airing this individual's views in relation to Covid-19 vaccines and the Government's response to the pandemic without sufficient or any challenge by the presenter.

The complainant provided examples of statements and claims made by the interviewee that she believes are not based in fact and were not questioned by the presenter:

- that children are being coerced, bullied, and lied to in order to accept "an experimental, injectable genetic therapy",
- that Covid-19 vaccines are "untested" and "unlicenced" and "causing immeasurable ill health and death",
- that protocols "imposed by the WHO" are "misinformation", and
- that the Government is distorting figures to suit their own agenda, lying to the public and collaborating with corporations to oppress the population.

The complainant states that public health is not a matter of opinion and where information contrary to that of public health officials is presented by someone who is introduced as a medical doctor, it can confuse people and cause harm to impressionable or vulnerable listeners, particularly if that information is not challenged in the broadcast.

Broadcaster Response Summary

The broadcaster states that the rally in question was considered a local event of public interest and, in its view, the interviewee was the most interesting speaker at it, being a well-known and outspoken GP and a former General Election candidate in the constituency.

The broadcaster states that it is required by BAI Codes to report on every issue in an objective and fair manner, without any expression of its own views, and it is bound by regulations to give both sides of every story. The broadcaster maintains that what the doctor stands for may be contrary to the

views of the majority in the medical profession, however, she, and those that support her, are entitled to their opinion.

The broadcaster refutes the complainant's claim that the presenter did not challenge the doctor's views, citing the following examples:

- the presenter refusing to remove his mask when she suggested he do so;
- asking "where is the medical coercion that you talk about - there is no mandatory vaccinations that I know about in the country....where is the coercion?" in relation to a claim that children were being coerced into vaccinations;
- challenging views and facts given in relation to the proportion of unvaccinated people in hospitals and Intensive Care Units;
- suggesting that she and her supporters could be considered as fascists in their views; and
- questioning her credibility in providing such views having been suspended as a GP in Northern Ireland, pending further investigation.

The broadcaster states that the presenter pointed out that this doctor had been suspended as a GP in her jurisdiction and this would have been clear to listeners. The broadcaster states that a temporary suspension as a GP does not amount to a ban from broadcasting.

The broadcaster is of the view that this interview should be considered in the context of the broadcaster's vaccination coverage as a whole, which it believes is up-to-date, relevant and medically responsible.

The broadcaster noted that this particular broadcast also featured texts, phone calls, emails and social media comments on the doctor's views and a large number of these were not in agreement with her and were critical of her.

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 broadcast was an interview with a medical doctor who spoke at a rally in Sligo organised by a group named United Against Segregation opposing public health restrictions for people who are not vaccinated against Covid-19.

The complaint was submitted under Principles 3 and 6 of the BAI's Code of Programme Standards. Principle 3 requires broadcasters to take due care to ensure audiences are not exposed to harmful content and Principle 6 provides that the public interest can be adversely affected by the omission of material and/or the inadequate representation of information or viewpoints.

The Forum considered whether the presentation of this doctor's opinions and the treatment of those opinions in the broadcast constituted harmful content or adversely affected the public interest. The Forum considered it editorially legitimate for the broadcaster to cover this local protest action and to

interview speakers at it. The Forum noted the story would likely be of relevance to the audience but that it was important the interview was not presented in such a way as to mislead listeners. In this regard, the Forum noted the broadcast clearly provided relevant facts in relation to the interviewee's suspended medical licence and the presenter robustly challenged the views expressed by the interviewee. The Forum was satisfied the broadcast did not support or endorse the opinions and claims made by the interviewee that could cause harm if acted upon. The Forum noted the broadcast included a recording of the presenter refusing to remove his mask when requested to by the interviewee and also included comments and texts from listeners to the programme. The Forum believed the manner in which the interview was conducted was appropriately challenging and would not have caused harm to the audience or adversely affected the public interest.

The Forum decided the broadcast had not infringed the relevant provisions of the Broadcasting Act 2009 or the Code of Programme Standards. Accordingly, the Forum rejected the complaint.

Complaint Reference Number	**C5662**
Complainant	[redacted], on behalf of [redacted]
Station	RTÉ One
Programme Name	Claire Byrne Live
Broadcast Date	13th December 2021
Broadcast Time	22:35
Programme Description	Current affairs programme
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, 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 item on voluntary assisted dying (VAD) and the Dying with Dignity Bill 2020.

The complainant believes there was an unbalanced presentation of the argument in favour of introducing VAD because four contributors opposed it and only one was allowed to speak in favour of it. The complainant notes that End of Life Ireland (EOLI) was invited to participate in the programme but was not given an opportunity to speak.

Broadcaster Response Summary

The broadcaster states that there is no statutory or regulatory obligation to provide 'balance'; the requirement is to be fair to all interests and, in the case of this programme, this meant being fair to both sides of the argument on VAD.

The broadcaster states that, in being fair to all interests, there is no requirement on broadcasters to allocate equal time or an equal number of contributors or comparable contributors to a debate. The broadcaster notes that it has editorial independence to determine how a programme is constructed, which is acknowledged in the BAI's Guidance Notes on the Code.

The broadcaster noted the item included a wide range of views on both sides, including personal stories of those advocating for the change in the Dying with Dignity Bill and those arguing against it.

The broadcaster is satisfied the item was fair to all interests.

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 broadcast concerns an item on voluntary assisted dying (VAD) and the Dying with Dignity Bill 2020 in which the presenter led the panel discussion, with input from various experts and people who contributed to the debate from relevant personal experiences.

The complaint was submitted 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 current affairs items 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 shall comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. The Code also provides that current affairs presenters shall 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 Forum first considered whether the broadcast did not meet the requirements of fairness, objectivity and impartiality in the range of contributors and perspectives included on the subject matter. 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 that discussions of news and current affairs issues are not one-sided and that alternative perspectives are presented. In this case, the Forum had regard to the complainant's concern about the number of "professional" contributors but noted the Code does not place a requirement on broadcasts to have an equal number of particular types of speakers or to give them equal airtime. The make-up of panels and speakers is an editorial decision that lies with the broadcaster and the Forum did not consider that the panel, or those who debated on either side, led to any lack of fairness, objectivity or impartiality in the broadcast.

The Forum noted the presenter dealt with the topic and the contributors sensitively and facilitated the expression of a range of views and found no evidence of the presenter expressing her own views such that a partisan position was advocated.

The Forum decided the programme had not infringed the relevant provisions of the Broadcasting Act 2009, the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. On this basis, the Forum rejected the complaint.

Complaint Reference Number	**C5666**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Countrywide
Broadcast Date	29th January 2022
Broadcast Time	20:00
Programme Description	Events and happenings, with a focus on rural and farming matters
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1 and 4.2.

Complaint Summary

The complaint concerns an item on the programme about a badger vaccination scheme to reduce the transmission of bovine TB.

The complainant did not agree with the broadcast's use of the term 'restraint', stating that this particular restraint is illegal in Europe and is viewed as not fit for purpose. The complainant questioned why the broadcast did not mention these matters or the injuries caused to badgers in snares.

The complainant believes the description in the broadcast of Ireland as "a global leader in badger vaccination" is disgraceful and totally unfounded. The complainant states that the Department of Agriculture has admitted that badger numbers are down at vaccination sites because of the use of snares and the lack of security and protocols at these sites. The complainant references the number of badgers killed at vaccination sites in one year and states there is a 5-year increase in TB numbers, year-on-year.

The complainant claims best practice is the use of cage traps, yet the programme advocated the use of a wire around the animal.

The complainant maintains that the programme failed to air any current public concerns about this vaccination programme.

Broadcaster Response Summary

The broadcaster states this is a long-running programme with an editorial remit focusing on rural and farming issues. The broadcaster states that it was editorially appropriate to report on the badger vaccination project being undertaken by the Department of Agriculture considering the devastating impact bovine TB can have on cattle herds.

The broadcaster notes the presenter introduced this item by pointing out the many risk factors involved in the spread of bovine TB, including transmission by badgers, and that the vaccination project was aimed at providing an alternative to culling badger populations.

The broadcaster states that the report was recorded in the presence of several experts from the Department of Agriculture and two were interviewed in the report, which also featured an interview with a farmer. The broadcaster notes that one of the interviewees made clear the vaccination project operates within the terms of the licensing system provided by the State and that, in the region they were reporting from, the project had significantly reduced the incidence of bovine TB. The broadcaster also noted the farmer expressed a view that vaccination was a better strategy than indiscriminate culling.

The broadcaster believes this report was fully compliant with all the 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 segment of the broadcast is about reducing the transmission of Bovine TB in Ireland's cattle herd via the Department of Agriculture's badger vaccination scheme, which provides an alternative to the culling of badgers. The report included interviews with experts from the Department of Agriculture and a local farmer.

The complaint was submitted under rules 4.1 and 4.2 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires current affairs items be presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of current affairs, broadcasters shall comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability.

The Forum considered whether the broadcast had infringed the requirements of fairness, objectivity and impartiality in the manner in which it presented the badger vaccination programme. The Forum considered the complainant's view that the broadcast was unfair because it did not explore the use of the term 'restraints' or discuss the injuries caused by the use of snares when capturing badgers. The Forum noted the editorial angle of the broadcast was the spread of Bovine TB in cattle and the vaccination programme being conducted to provide an alternative to culling badgers and it was not about the strengths and weaknesses of the vaccination programme *per se.* The Forum is of the opinion that the substance of the complaint appears to be founded on a desire for the programme to have taken a different editorial angle on the subject. However, the Forum was satisfied the subject matter and editorial angle taken by the broadcaster was justified in the context of the type of programme this is, which is focused on issues of rural life and lifestyle. The Forum also noted that broadcasters have editorial independence and freedom to select how they wish to approach the treatment of a subject. The Code requires that such treatment is objective and impartial and fair to all interests concerned and the Forum did not believe the broadcast infringed these requirements.

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. Accordingly, the Forum rejected the complaint.

Complaint Reference Number	**C5667**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Ear to the Ground
Broadcast Date	3rd February 2022
Broadcast Time	19:00
Programme Description	Focus on farming issues
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1 and 4.2.

Complaint Summary

The complaint concerns an item on the programme about a badger vaccination scheme to reduce the transmission of bovine TB.

The complainant is of the view the broadcast was not fair to all interests concerned because it omitted certain facts on the subject and did not include a range of views or a critical perspective on the vaccination scheme.

The complaint set out a range of matters the complainant believes ought to have been addressed in the broadcast, which may be summarised as:

- Investigations being carried out by the Gardai and the Ombudsman into security at badger setts;
- Protocols not being followed and reported breaches of license;
- The reasons why activity is down at vaccination sites, as confirmed by the Department of Agriculture;
- Collateral damage to other animals;
- The year-on-year rise in TB since 2016, despite badger vaccination and killing;
- The app used to locate setts not making clear that some badgers will be killed;
- The shooting of badgers at vaccination sites; and,
- The use of a snare which is illegal in other countries in Europe;

Broadcaster Response Summary

The broadcaster notes that fairness does not require that every view is covered.

The broadcaster states that the report focused on a specific programme run by the Department of Agriculture which is assessing whether vaccination offers a sustainable alternative to culling badgers for the prevention of bovine TB. The broadcaster believes this report is in keeping with the editorial remit and audience expectation of the programme.

The broadcaster claims the report was grounded in fact and notes that experts from the Department of Agriculture provided the facts underpinning the vaccination programme. The broadcaster also

noted the report featured interviews with farmers in the area and discussed how vaccination would make badger culling unnecessary.

The broadcaster stated that the programme took an observational approach to see first-hand how animals were caught, vaccinated, microchipped and released. The broadcaster states that it was clear to the audience that badgers were not injured or ill-treated.

The broadcaster states that this was a story about the vaccination programme versus the culling programme and how the vaccination programme, if successful, could be a game changer for farmers and the threat of bovine TB, as an alternative to regularly culling badgers.

The broadcaster is satisfied that the broadcast accurately presented what happened on the ground on the day of filming and that the report was fair and accurate. The broadcaster believes the broadcast was fully compliant with all 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 broadcast was an item on the badger vaccination scheme to help reduce the transmission of Bovine TB in Irish cattle. The item included an interview the head of the Wildlife Unit from the Department of Agriculture, who outlined the link between the spread of TB from badgers to cattle, following on from a study 20 years earlier proving that badgers are linked to the spread of TB, and covered the move from the badger programme based on culling badgers to restraining, vaccinating and chipping them done today.

The complaint was submitted under rules 4.1 and 4.2 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires current affairs items be presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of current affairs, broadcasters shall comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability.

The Forum considered whether the broadcast had infringed the requirements of fairness, objectivity and impartiality in the manner in which it presented the subject, having regard to the complainant's view that broadcast did not include certain facts and aspects of the topic or critical perspectives on the vaccination scheme.

The Forum noted the editorial angle of the broadcast was the spread of Bovine TB in cattle and the vaccination programme being conducted to provide an alternative to culling badgers and it was not about the strengths and weaknesses of the vaccination programme *per se.* The Forum is of the opinion that the substance of the complaint appears to be founded on a desire for the programme to have taken a different editorial angle on the subject. However, the Forum was satisfied the subject matter and editorial angle taken by the broadcaster was justified in the context of the type of programme this is, which is focused on issues of rural life and lifestyle. The Forum was also of the

opinion that the range of views and perspectives provided on the subject was appropriate in this context. The Forum noted that broadcasters have editorial independence and freedom to select how they wish to approach the treatment of a subject. The Code requires that such treatment is objective and impartial and fair to all interests concerned and the Forum did not believe the broadcast infringed these requirements.

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. Accordingly, the Forum rejected the complaint.

Complaint Reference Number	**C5669**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Six One News
Broadcast Date	28th February 2022
Broadcast Time	18:00
Programme Description	Evening News
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1.

Complaint Summary

The complaint concerns comments made by a news correspondent during a report on the war in Ukraine.

The complainant states that the correspondent blamed the war in Ukraine on "one man's historical fantasies in Moscow". The complainant believes these words were irresponsible and biased and that the broadcast was reactionary and emotional.

Broadcaster Response Summary

The broadcaster states that the report highlighted the plight of those being displaced in Ukraine because of human suffering inflicted on the population by Russian military attacks. The broadcaster believes the report was accurate and impartial.

The broadcaster states that the remarks made by the correspondent reflected the factual position that the president of Russia has written and stated that he does not accept Ukraine is a sovereign, independent state.

The broadcaster believes the coverage in this report, alongside the broadcaster's other reports, was objective 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 reasons for the decision are set out below.

The broadcast is a news report from a train station in Lviv in Ukraine, covering the challenges and conditions faced by people trying to flee the war. Towards the end of the report, the journalist stated, *"Every day thousands more people arrive here as the cities across Ukraine empty of their populations and people try to make their way to the Polish border, to safety, all because of the historical fantasies of one man in Moscow".*

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 all news broadcast to be reported and presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The Forum considered whether the use of the phrase "the historical fantasies of one man in Moscow" in the broadcast had infringed the above requirements of objectivity and impartiality. The Forum understood this phrase as referring to Vladimir Putin, the President of Russia, in the context of Russia having invaded and begun a war in Ukraine. The Forum noted the subject of the report was the impact of war on ordinary people in Ukraine and the difficulties they faced in trying to flee the war. The Forum understood the phrase as placing responsibility for the war on Putin, as leader of Russia, and suggesting that Putin believes Ukraine belongs within Russia's sphere of power, as a former part of the Soviet Union. The Forum was of the opinion that the phrase used by the reporter was a fair comment in this context. Taking the report in whole and in context, the Forum was satisfied the content was presented in a manner that was objective and impartial.

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	**C5670**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Nine O'Clock News
Broadcast Date	27th February 2022
Broadcast Time	21:00
Programme Description	Nightly News
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b) (harm and offense); and, BAI Code of Programme Standards – Principle 3

Complaint Summary

The complaint concerns a news report about Ukrainian civilians arming themselves in the war in Ukraine.

The complainant states that the report showed civilians collecting guns at a church after a wedding ceremony and a second group queuing up in a bar for Molotov cocktails being manufactured and distributed by bar staff.

The complainant objects to the tone of the report, which she found absurdly celebratory, considering weapons were being prepared to maim and kill people. The complainant also noted the report did not include any consideration of the intended use of the weapons featured.

The complainant believes the report was not fair to all interests concerned, that it could reasonably be regarded as causing harm or offence and likely to promote, or incite to crime, given the positive spin on unregulated arming of untrained citizens. The complainant also believed the segment was inappropriate, distasteful and unethical in the context of the Irish State abstaining from contributing to an EU package of lethal arms, as was noted in the report.

Broadcaster Response Summary

The broadcaster notes the report stated the sequence showing the wedding ceremony alongside the making of Molotov cocktails, demonstrated the reality of living in Ukraine where people are trying to retain some level of 'normal' life while also preparing to defend themselves from attack. The broadcaster states that news reporting of this kind reflects the reality of a war situation.

The broadcaster points out there is no requirement for fairness in news reporting as it deals with events as they are happening and unfolding.

The broadcaster believes the coverage in this report was objective and impartial and fully compliant with all 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 broadcast contained a news report from Lviv, in Ukraine. The report showed scenes from a Greek Catholic Church in the city, whose clergy and parishioners were sending ground sheets to the Ukrainian troops. The report showed a couple getting married and then clips of volunteers collecting clothing for refugees and of a brewery that had converted into a factory for making Molotov cocktails. The report contained clips of people making Molotov cocktails and noted such places were *"springing up all over Ukraine as part of a burgeoning grassroots resistance".* The report concluded with scenes of the bride and groom, with the reporter saying that *"this is what living in Ukraine in 2022 feels like – fear, resistance and normal life".*

The complaint was submitted under a legislative provision requiring broadcasters ensure they do not broadcast anything which may reasonably be regarded as causing harm or offence or as being likely to promote, or incite to, crime. The Forum noted the complaint was submitted under Principle 3 of the Code of Programme Standards, which requires broadcasters take due care to ensure audiences are not exposed to harmful content.

The Forum first considered whether the broadcast contained content likely to promote, or incite to, crime. The Forum considered it editorially legitimate and in the public interest for the broadcaster to report on what is happening in a war zone. The Forum noted the report contrasted how ordinary life was proceeding during an exceptional time of war, in which civilians were volunteering to help refugees from other parts of the country and preparing arms for themselves to resist a possible attack. The Forum noted there was no scene of people collecting guns after a wedding and that these were separate events in the report. The Forum found no evidence in the report of a celebratory tone or of any encouragement to use arms or to undertake any particular criminal action. The Forum was of the opinion the report was factual and focused on explaining what was happening on the ground in this city in Ukraine. The Forum was satisfied the broadcast did not include any content that was likely to promote or incite to crime.

The Forum then considered whether the broadcast contained harmful material. The Code recognises harmful material as material that has an "effect", that is, content that causes, mental, psychological or physical harm. The Forum considered that reports about people making arms and preparing to fight an invading army could potentially be distressing for some, however, there is strong editorial justification from a public interest perspective in covering this story and informing the public about what is happening in a war zone. The Forum also noted that the audience would expect such content from news reports. The Forum was satisfied the content of the broadcast was in line with audience expectations and had not caused harm, as it is described in the Code.

The Forum considered whether the broadcast could reasonably be regarded as causing offence. The Forum noted the Code recognises that matters which cause offence are largely subjective and can differ from person to person. 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 contextual factors such as editorial

justification and public interest. As noted earlier, the Forum was satisfied there was strong editorial justification and public interest in broadcasting this news report. The Forum acknowledged aspects of the report may have caused offence to some but did not believe the broadcast cause undue offence.

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	**C5671**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	This Week
Broadcast Date	16th January 2022
Broadcast Time	13:00
Programme Description	Weekly review of news
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, 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 an interview with the Tánaiste, Leo Varadkar, which included some discussion about a Garda investigation into the disclosure of a confidential Government document to a friend of the Tánaiste.

The complainant claims the broadcast lacked fairness, accuracy, and responsiveness in the questions put to the Tánaiste on the subject of the Garda investigation, specifically, in the lack of challenge by the presenter to claims made by the Tánaiste and in the lack of relevant alternative views on the subject. The complainant contends that the interview, as a pre-recorded programme, could have been edited to address these issues.

The complainant believes the presenter offered an "easy entry" on the topic by asking the Tánaiste if the delay in the Garda investigation was a source of frustration and then later asking if the Tánaiste wanted the matter dealt with promptly, if it was a distraction and if it could prevent him becoming Taoiseach. The complainant believes these questions were designed for easy answers and did not probe the substance of what the Tánaiste said about the allegations.

The complainant contends that the Tánaiste was allowed to speak about the investigation inaccurately and make false imputations and invoke straw men without being checked by the presenter.

The complainant notes the Tánaiste made comments about the people who had made the Garda complaint as being political opponents who are obsessed with him, despise his party and support another political party. The complainant believes, as one of those people referenced by the Tánaiste, that those comments were about him and that they were false and that the allegation of support for another political party is defamatory, false and unfair.

The complainant believes the broadcast was unfair and not even-handed or impartial to him because it favoured the Tánaiste's comments and involvement in the matter of the Garda investigation over

his perspective. The complainant also believes the broadcast lacked objectivity, impartiality, even-handedness, fairness and accuracy and responsiveness more generally.

Broadcaster Response Summary

The broadcaster states that the Tánaiste was interviewed as part of a long-standing annual series of party leader interviews, which typically cover a wide range of political topics, in a well-established format that is known to the audience.

The broadcaster notes that 2 minutes and 25 seconds of the interview was devoted to the Garda investigation story out of a total interview duration of over 25 minutes.

The broadcaster states that the discussion in relation to the Garda investigation was not a detailed examination of the complaint made to the Gardaí but rather the question of how the political system had reacted to the investigation. The broadcaster believes that this is consistent with the editorial brief for the interview.

The broadcaster states the presenter posed challenging but fair questions to the Tánaiste about the impact of the controversy on him assuming the role of Taoiseach, as was planned in November 2022.

The broadcaster states that the Tánaiste made a broad and non-specific comment that some of those who have levelled accusations against him in relation to this matter were political opponents of his and of his political party. The broadcaster notes that he did not name any individuals in this comment.

The broadcaster further states it has editorial freedom to determine how it conducts an interview and it does not require that every viewpoint be explored.

The broadcaster is satisfied that that broadcast was fully compliant with all the 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 broadcast concerns an interview with the Tánaiste, which included a discussion about a Garda investigation into the disclosure of a confidential Government document to a friend of the Tánaiste.

The Forum noted the complaint was submitted under rules 4.1, 4.2 and 4.17 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. 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 Code requires that news and current affairs is presented with due accuracy having regard to the circumstances and facts known at the

time.

The Forum noted the broadcast was an interview with the leader of Fine Gael and is one of a series of interviews with party political leaders. The Forum noted the approach to these interviews is a broad-ranging questioning about the big issues and challenges faced by the political party and its leader and the interviews do not tend to focus in-depth on any particular story or issue.

The topic of the Garda investigation into the release of a Government document was covered in less than 3 minutes during the course of a 25-minute interview. The Forum noted the interviewee's claims about people who had made this issue public and/or publicly discussed it did not reference any specific individuals, aside from one member of the opposition. The interviewer then moved the discussion on to how the investigation would impact on the interviewee's prospects of becoming Taoiseach and if was impacting on his work as Tánaiste. The Forum considered that not all aspects of this topic could be covered in the length of time given to it in the interview and the broadcaster is entitled to choose a particular editorial angle on a topic. The Forum was of the opinion that the interviewer's line of questioning was in keeping with the focus of the interview and the type of interview provided to all the political party leaders and it was in keeping with audience expectations 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	**C5677**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	The Ryan Tubridy Show
Broadcast Date	24th February 2022
Broadcast Time	09:00
Programme Description	Entertainment and lifestyle magazine programme
Complaint Category	Broadcasting Act 2009 – Section 48(1)(b) (Harm and Offence); and, BAI Code of Programme Standards – Principles 1, 2 and 5.

Complaint Summary

The complaint concerns comments made by the presenter in respect of the conflict in Ukraine.

The complainant believed the presenter's light-hearted tone in discussing these events was insensitive and demonstrated little empathy for the victims. The complainant noted the presenter laughed throughout his analysis of the crisis.

The complaint points in particular to the presenter's comparison of the capital city of Ukraine to a chicken kiev, which the complainant thought was an extremely misguided joke.

Broadcaster Response Summary

The broadcaster states that the programme is a magazine, entertainment show and features a regular item where the presenter reflects on topical issues covered in the news and there is a well-established audience expectation of the presenter's on-air persona.

The broadcaster believes the complainant has identified one word from this item and taken it out of context.

The broadcaster notes that there has been debate about the pronunciation and spelling of the capital of Ukraine; 'Kyiv' derives from the Ukrainian language, while 'Kiev' is from Russian. The broadcaster states that the presenter noted the example of 'chicken kiev' as the pronunciation most people are familiar with.

The broadcaster believes the entire item had a clear message about the reality of war and included an acknowledgement that Russia had invaded a sovereign country, a reference to 'body bags' and the threat of nuclear weapons. The broadcaster states that the presenter sought to relate these events to daily life and invited the audience to compare their morning routine to that of people in Ukraine and to show empathy with those people.

The broadcaster believes the item was in keeping with the presenter's style and was fully compliant with all the 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 broadcast is an item in which the presenter reflects on the news stories of the day, which in this case was the war in Ukraine. The presenter opened the item by saying, *"We now know for starters we don't call Kyiv "kee-yev" anymore – I don't know what we're going to do with our chicken. The bottom line is things have kicked off enormously over in Kyiv, in Ukraine".* The presenter then went on to consider how the war in Ukraine was affecting people living there, his surprise at how events had unfolded and his concern at how close the war is to Ireland.

The complaint was submitted under a legislative provision requiring broadcasters ensure they do not broadcast anything which may reasonably be regarded as causing harm or offence. The complaint was also submitted under Principles 1, 2 and 5 of the Code of Programme Standards. The Code requires that programme material respects community standards, including attitudes to specific language terms. 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 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 Forum noted the Code recognises that matters which cause offence are largely subjective and can differ from person to person. 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 relevant contextual factors.

The Forum noted the presenter's mention of chicken at the beginning of the item and understood this to be a reference to the public debate about how to pronounce Kyiv, the capital of Ukraine. The Forum was of the opinion this was a somewhat "throwaway" comment at the beginning of the item and did not believe that it was mocking Ukraine or Ukrainian people or making light of war.

The Forum noted the presenter laughed at various points during the item but considered this to reflect the presenters' disbelief at the events in Ukraine and not mockery of the country or the people. In contrast, the Forum noted the presenter, at times, invited listeners to consider what it would be like to live in a war zone and to empathise with civilians in Ukraine, for example, when the presenter played an air raid siren and asked listeners to imagine what it would be like to hear that.

The Forum considered the nature of the programme and audience expectations of it. The Forum was satisfied this type of reflection by the presenter was in keeping with his well-established presenting style and in keeping with content of this type of programme and audience expectations of it. The Forum acknowledged the content may have offended the complainant but, taking the broadcast in whole and in context, the Forum was of the opinion there was no evidence of content

that was unduly offensive, or of content that infringed community standards or prejudiced respect for human dignity. The Forum found no case made in the complaint of content that stigmatised, supported or condoned discrimination or incited hatred against any persons or groups in society.

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	**C5683**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Morning Ireland
Broadcast Date	31st January 2022
Broadcast Time	07:00
Programme Description	Current affairs
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, 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 on the programme which discussed how Spotify was handling information about Covid-19 and Covid-19 vaccines.

The complainant states that during the discussion the interviewee made a comment that US physician, Dr Robert Malone, had said that vaccines don't work. The complainant believes the statement was ill-informed and dismissive and states the doctor never said or implied that Covid-19 or any other vaccines don't work.

The complainant claims the presenter failed to offer a defence for the doctor's character or experience.

The complainant believes the interview was not presented in an objective and impartial manner.

Broadcaster Response Summary

The broadcaster states that the interviewee was on the programme, as a technology journalist, to discuss the steps taken by online platforms such as Spotify and Twitter to address alleged misinformation relating to the Covid-19 pandemic.

The broadcaster states that, during a wide-ranging interview, the journalist made a very brief reference to the stance taken by Dr. Robert Malone about vaccine effectiveness. The broadcaster claims the journalist was correct and accurate in stating that the doctor in question was "suggesting that the vaccines don't work". The broadcaster points to comments made by this doctor at a recorded public event in Washington DC on 23rd January 2022, as evidence in support of this.

The broadcaster states that, as the journalist's remarks were accurate, there was no requirement for the presenter to counter the remarks. The broadcaster also notes that there was no requirement for the presenter to discuss or open up a wider debate about the veracity of this doctor's views because this was not the subject matter of the programme.

The broadcaster believes the interview was fully compliant with all the 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 broadcast concerns comments made by a journalist contributor during a discussion about the approach taken by social media platforms to handling Covid-19 vaccine misinformation. During the discussion, the journalist commented that a particular US physician had said that vaccines don't work.

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 items 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 shall comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. The Code requires that current affairs is presented with due accuracy having regard to the circumstances and facts known at the time. The Code also provides that current affairs presenters shall 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 Forum considered whether the content met the requirements of due accuracy and whether views in the broadcast were appropriately challenged by the presenter. The Forum noted the main focus of the discussion was two famous song writers and performers removing their music from Spotify in protest at how that platform was handling misinformation about Covid-19. The journalist's comment about a particular doctor's views on Covid-19 vaccines was provided by way of example of another platform taking a different approach to dealing with misinformation. The Forum noted the information provided in the broadcaster's submission in relation to the accuracy of the comment and was satisfied the broadcast had not infringed the requirements of due accuracy in this regard.

Having found no infringement in relation to the accuracy of the broadcast, the Forum concluded there was no obligation on the presenter to challenge the comment made by the journalist. The Forum noted the statutory and Code requirements of fairness, objectivity and impartiality do not require the presenter to explore every aspect of a topic. The Forum was of the view that, in this case, the opinions of this particular doctor were tangential to the topic discussed in the broadcast and the presenter was not required to explore this issue in order to achieve fairness, objectivity and impartiality in the broadcast.

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	**C5685**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Claire Byrne Live
Broadcast Date	14th February 2022
Broadcast Time	22:30
Programme Description	Current affairs
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1, 4.2, 4.4 and 4.22.

Complaint Summary

The complaint concerns an episode of Claire Byrne Live about the political party, Sinn Féin.

The complainant believes the premise of this episode of the programme, which the complainant describes as "reasons not to vote for a particular political party", was itself contrary to the BAI Code.

The complainant states that the following specific elements demonstrate that the broadcast was not fair to all interests concerned and that it was not presented in an objective and impartial manner:

- Sinn Féin speakers were not given as much uninterrupted speaking time as other political guests;
- The presenter did not challenge a concerning, undemocratic statement by one contributor in relation to older gardaí and Defence Forces personnel seeing Sinn Féin as "the enemy";
- The presenter focused on the one contributor's ex-membership of Sinn Féin and did not reference other contributors' previous political involvement; and,
- The presenter's line of questioning about people with criminal convictions working for Sinn Féin suggested such a practice was specific to Sinn Féin or was illegal. The complainant believes these questions were put to the spokesperson of Sinn Féin without any context or advance notice and no other contributors were similarly questioned.

The complainant believes the presenter demonstrated bias against Sinn Féin, particularly in disparity of treatment of uninterrupted speaking time given to contributors.

Broadcaster Response Summary

The broadcaster believes that it was editorially appropriate to devote a full programme to Sinn Féin and its background and policies, in the context of the historically significant rise in support for Sinn Féin and it having won the largest share of first preference votes in the last General Election.

The broadcaster states there were a range of views and speakers in the broadcast and Sinn Féin was well represented, by having members of the party in the studio as well as one of its senior spokespersons as a panel member. The broadcaster believes it was also important to include the views of those who are critical of Sinn Féin. The broadcaster claims the questioning and challenging

of views and policies was fair to all and that speakers were provided with sufficient time to outline their views.

The broadcaster notes that Claire Byrne Live regularly holds ministers of the Government to account on a range of political and policy issues.

The broadcaster believes the programme was fully compliant with all the 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 broadcast is an episode of the programme focused on Sinn Féin, the political party, in the context of a historical rise in public support for the party.

The complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.2, 4.4 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. The Code further requires that interviewees for news and current affairs content be made generally aware of the subject matter and the nature and format of their contribution so that their agreement to participate constitutes informed consent. The Code further requires that a presenter and/or reporter on a current affairs programme shall not express his or her own views on matters of public controversy or current public debate such that a partisan position is advocated.

The Forum considered whether the premise of the programme was contrary to the above statutory and regulatory requirements for fairness, objectivity and impartiality. The Forum was of the opinion that it is editorially justified to examine one political party, in the context of a historical shift in public support to this party and away from other political parties. The Forum noted broadcasters are editorially independent and have the freedom to choose topics to cover in current affairs programmes so long as the treatment of such topics is objective and impartial and fair to all interests concerned.

The Forum considered the range of contributors and viewpoints on the programme and the manner in which they were treated by the presenter. The Forum was satisfied the broadcast included a wide variety of views on the topic. The Forum noted the discussion on the programme was heated, at times, and people talked over one another in places, however, the Forum did not believe these interruptions demonstrated bias against a particular viewpoint or contributor. The Forum also noted the presenter challenged some contributors and interrupted some contributors, at times, but the Forum was satisfied the challenges were editorially justified and they were not directed to one specific contributor or viewpoint. The Forum noted the presenter's approach in this broadcast is in keeping with the nature of the programme, the style of the presenter and the audience expectations of the

programme. The Forum found the presenter dealt with the topic and the contributors impartially and facilitated the expression of a range of views.

The Forum also considered whether the presenter's line of questioning infringed on relevant statutory or regulatory provisions. The Forum considered that questions in relation to people with previous convictions working for political parties and questions in relation to one contributor's former membership of Sinn Féin were legitimate in the context of the subject matter discussed. The Forum noted that Sinn Féin representatives had time and opportunities in the broadcast to respond on these matters. The Forum did not believe that asking questions in relation to people with convictions working for political parties infringed on the requirement for contributors to have given informed consent. In this regard, the Forum noted such questions have been asked of Sinn Féin representatives before and the requirement for contributors to be made generally aware of the subject and format of a programme should not be taken to mean that the detail of the questions to be asked as part of the interview should be provided in advance.

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.

ÚDARÁS CRAOLACHÁIN NA hÉIREANN | BROADCASTING AUTHORITY OF IRELAND

Broadcasting Authority of Ireland
Broadcasting Complaints Decisions

October 2022

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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 August 2022, the Compliance Committee considered and rejected one (1) complaint. The Executive Complaints Forum considered and rejected seven (7) complaints.

The decision of the Compliance Committee was reached at a meeting held on 27th June 2022. The decisions of the Executive Complaints Forum were reached at meetings held on 20th June, 13th July and 16th August 2022.

Rejected by Compliance Committee

Complaint Reference Number	**C5678, C5679, C5680 and C5681**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Liveline
Broadcast Date	3rd, 4th, 7th and 8th February 2022
Broadcast Time	13:45
Programme Description	Weekday caller driven 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, 4.7, 4.8, 4.17, 4.18 and 4.22; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principle 7.

Complaint Summary

The complaint concerns four episodes of Liveline covering the topic of business awards given by The Public Sector Magazine. The context for the topic was a well-known company announcing it had won an Excellence in Customer Services Management award from this magazine, which prompted callers to the programme to question how this company had merited such an award. Other callers to the programme then provided personal accounts of dealing with the magazine in question, alleging that its awards were linked to advertising spend with the magazine.

The complainant, who is the owner of the magazine, alleges the broadcasts:

- did not ensure fairness to all interests concerned;
- were not presented in an objective and impartial manner;
- contained expressions of the broadcaster's own views;
- contained content that could reasonably be regarded as causing harm and has already caused harm to the company owning the magazine, including its directors, employees, servants or agents;
- unreasonably encroached upon the privacy of individuals;
- contained incorrect or misleading information that has impugned the reputation of the magazine and individuals, and,
- defamed the magazine and individuals associated with it.

In support of the above allegations, the complainant contends that:

- The presenter expressed his own views "as he rang gongs like a game show host" while mocking the magazine;
- The presenter incorrectly asserted that the magazine did not respond to requests for information, with the exception of a statement from a PR company;

- No time was afforded to the magazine or its directors to consider an appropriate response to the matters raised;
- The programme, unreasonably and unfairly, sought confidential and commercially sensitive information of the business, with a view to broadcasting it;
- Comments by the presenter about the business premises of the magazine incorrectly implied that it does not operate legitimately and/or is a sham and no opportunity was given to explain this;
- Comments by the presenter that linked the business premises being empty to 'children's allowance day' were clearly intended to cause damage to the magazine;
- The presenter did not invite similar award schemes to participate in the broadcast for "balance";
- The presenter stated he could not get a hard copy of the magazine, wrongfully implying that the magazine was not published in hard copy, and there were no positive comments about the publication;
- Programme makers contacted clients of the magazine with the intention of causing reputational damage;
- Contributors to the programme were selected to suit the programme's agenda and did not include a client, contacted by the programme makers, who had a positive experience with the magazine;
- The presenter only partly reported and was misleading in how he covered RTÉ's business relationship with the magazine;
- The presenter wrongfully conveyed that the magazine was engaged in defrauding charities or wrongfully seeking money from charitable organisations and it was conveyed that the magazine preyed on vulnerable charities;
- One of the programme makers contacted staff of the magazine and a family member in a manner that constituted harassment, failed to outline all the matters that would be covered in the broadcasts and did not allow time for a considered response to the issues; and,
- The magazine has been irreparably damaged by the broadcasts and the broadcasts caused distress and harm to its directors, employees and freelance workers.

The complainant believes the presenter did not conduct the broadcasts in an impartial manner and expressed his personal views. The complaint contends that the broadcaster did not accurately or fairly reflect the views of those who chose not to participate in the broadcasts.

Broadcaster Response Summary

The broadcaster does not accept that the broadcasts were in breach of relevant standards in the Broadcasting Act 2009 or BAI Codes.

The broadcaster notes the topic became a discussion item when people called the programme to draw attention to a social media post by a well-known company announcing it had won an award for excellence in customer services. The broadcaster states the broadcasts featured numerous callers recounting their poor experience of customer service with this company and questioning how the company had won such an award. The presenter asked who, and in what circumstances, was this company nominated for the award and how the award was adjudicated upon and by whom. The broadcaster notes that, following the first broadcast, more callers then came forward to speak of their

experience with the magazine and of being told that awards were only given on condition of paid advertising.

The broadcaster maintains that the programme makers made repeated efforts by phone and email to have the complainant and/or a representative of the magazine on the programme to discuss the issues that had arisen or to issue a detailed statement in response to specific questions.

The broadcaster states that specific questions were put to the complainant, his colleagues and the publication and that no one addressed the central questions around the basis for the awards, such as the audited circulation of the magazine, the process for nomination, the criteria to be applied, the make-up and remit of the judging panel or whether the granting of an award was conditional on payment for advertising. The broadcaster believes these questions were reasonable and fair and demonstrably in the public interest.

The broadcaster is satisfied that every reasonable effort was made to give the complainant the opportunity over several days to address the issues raised in the broadcasts by statement or by interview. This included contacting the spouse of the Editor of the magazine when no response was received from the Editor. The broadcaster believes the contacts made were in the public interest.

The broadcaster notes that a statement on behalf of the magazine was read out on air. The broadcaster believes that the broadcasts were fair, in the context of the magazine having provided **only "limited" responses, which did not address its specific questions.**

The broadcaster further notes that Liveline is caller-driven and reflects the views of people calling into the programme. The broadcaster believes the presenter was fair to the magazine and noted the **presenter challenged a view expressed by one caller that the magazine was "taking advantage" of** people. The broadc**aster disputes the complainant's contention that one of the magazine's clients** was willing to speak on the programme to say that he had not paid for an award; the broadcaster states that it was notified by the complainant in writing that this person did not want to be contacted by the programme makers.

The broadcaster believes the four broadcasts were fully compliant with all the broadcasting statutory and regulatory provisions.

Decision of 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 Compliance Committee decided to **reject the complaint. The reasons for the Committee's decision are** set out below.

The broadcasts were four episodes of Liveline with caller-driven discussions about an award for customer service given by a magazine to a well-known company. The discussions initially focused on caller views about whether the company merited the award and then shifted to a discussion about the award scheme itself and the magazine running it. The complaint was submitted by a representative of the magazine.

Fairness, Objectivity and Impartiality

The complaint was submitted under rules 4.1, 4.2, 4.7, 4.8, 4.17, 4.18 and 4.22 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which may be summarised as follows:

- Current affairs broadcasts must be fair to all interests concerned and 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.
- Broadcasts are required to clearly report where a person or organisation refuses to contribute to the programme and to reasonably report their explanation for that if it could be deemed unfair not to.
- Broadcasts are required, in so far as is practicable, to reflect the views of a person or organisation who is not participating in the programme, and to do so fairly.
- News and current affairs must be presented with due accuracy, having regard to the circumstances and facts known at the time.
- Current affairs presenters shall not express their own views such that a partisan position is advocated. Presenters are required to 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.
- 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 Committee is satisfied the broadcasts were related broadcasts by the manner in which the topic was presented to the audience across the broadcasts.

The Committee is not certain whether the change in editorial line had been planned but is satisfied that there is a clear public interest in discussing the business model of these award schemes and in airing the views of people who have engaged in or been approached to participate in such schemes.

The Committee noted the range of contributions, and the tone of the broadcasts was largely critical of this award scheme and such schemes, generally. This is not unusual in broadcasts where the discussion of a topic is driven by callers, however, the broadcaster is obliged by statutory and regulatory standards to be fair to all interests concerned. Meeting the obligations of fairness does not necessarily mean that all viewpoints on an issue must be broadcast, but it does require that the views of absent parties are fairly reflected. In this regard, the Committee noted the repeated and concerted efforts of the broadcaster to contact the magazine at the centre of this story to respond to questions in writing, to participate in the broadcasts and to make a statement on the issues raised in the story. Representatives of the magazine declined to participate in the broadcasts, as they are entitled to, and the Committee acknowledged that contributing to a programme of this nature can be challenging. However, the magazine did provide a written statement, which was read out in the broadcast. Considering the broadcasts as a whole and the treatment of the topic and of the

contributors overall, the Committee is satisfied the statutory and regulatory requirements of fairness were met in the broadcasts.

The Committee considered the manner and style in which the topic was presented was, at times, very robust and challenging. The Committee noted some of the presenter's comments, for example, in relation to the business premises of the magazine appearing vacant, the suggestion that the magazine preyed on vulnerable charities, and that it did not have a printed copy of the magazine, were bordering on unfair. However, the Committee did not believe the audience would have been misled on the topic under discussion and the Committee also acknowledged that this was in keeping with the presenter's and the programme's usual style, which is well-established and in keeping with audience expectations. The Committee did not find that the presenter expressed a view such that a partisan position was advocated.

Programme Standards

The complaint was submitted under a provision of the Broadcasting Act 2009 which requires broadcasters to ensure they do not broadcast anything which may reasonably be regarded as causing harm or offence. The complaint was also submitted under Principle 7 of the Code of Programme Standards. This Principle provides that broadcaster shall respect the privacy of the individual and ensure that it is not unreasonably encroached upon either in the means employed to make the programme or in the programme material broadcast.

The Committee noted that the complaint under privacy and harm and offence chiefly relates to the manner in which the broadcaster contacted various representatives of the magazine and the impact of broadcasting this story on people connected to the business. As noted above, the Committee is satisfied that the broadcasts met the requirements of fairness, objectivity and impartiality in how the topic was treated and is of the opinion the audience would not have been misled on the topic. While the Committee acknowledges the possible negative impact coverage of this story may have had on the magazine and those connected to it, the Committee also recognises a clear public interest in this story being covered. The Committee also noted that it is an essential element of journalism to contact people relevant to a story to offer them the opportunity to give their views and respond to any questions in relation to the story. The Committee is satisfied that the measures taken by the broadcaster, in this instance, were appropriate in the context of it carrying out this journalistic role and did not unreasonably encroach on the privacy of the individuals concerned.

The Committee concluded the broadcasts had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. Accordingly, the Committee rejected the complaint.

Rejected by Executive Complaints Forum

Complaint Reference Number	**C5689**
Complainant	[redacted]
Station	RTÉ News Now
Programme Name	Prime Time
Broadcast Date	6th March 2022
Broadcast Time	21.30
Programme Description	Current affairs
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1.

Complaint Summary

The complaint concerns a discussion on a Prime Time programme broadcast on the RTÉ News Now station regarding the war in Ukraine.

The complainant believes the broadcast portrayed only one side of the story of the war in Ukraine. The complainant maintains the presenter made little effort to allow the audience to understand how the conflict could easily have been avoided, why it finally began or how it might easily end. The complainant claims that the presenter positively nudged one of the "biased" guests towards implying NATO should become involved in the conflict.

Broadcaster Response Summary

The broadcaster states that the complainant was vague and very general in his submission of this complaint stating the presenter "positively nudged one of her guests towards implying NATO should become involved in the conflict".

The broadcaster states that it considered the two studio interviews in the broadcast in the context of this complaint, which were with a columnist from the Moscow Times and a Professor of Politics in DCU.

The broadcaster found no NATO-related questions in the first interview. In the second interview, the presenter asked four questions of the Professor. The first sought his assessment of where events stood at that time; the second asked about Ukrainian calls for a 'no-fly' zone; the third asked if diplomacy had failed and the fourth question asked how President Putin might react if he felt cornered.

The broadcaster refutes the claim that the presenter "positively nudged one of her guests towards implying NATO should become involved the conflict", noting that the presenter made no mention of NATO.

The broadcaster maintains the presenter mentioned calls from Ukraine for a 'no-fly' zone and referenced people saying that such zones could not be provided and asked one of the interviewees for his view.

The broadcaster states that the complainant declined to provide any specific details to assist in identifying which interviewee he was referring to and distorted and misrepresented the question that was asked. The broadcaster claims the question was entirely neutral and it was up to the guest to respond. The broadcaster believes it is not acceptable for the complainant to make vague, unspecified assertions and leave it to the broadcaster to decipher what he is referring to.

The broadcaster believes there was no infringement of the Act or the BAI Code in the 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 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, 4.1. The Code requires current affairs items be presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The Forum first considered whether the broadcast did not meet the requirements of fairness, objectivity and impartiality in the range of contributors and perspectives included on the subject matter. 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 that the presenter will ensure that discussions on current affairs issues are balanced and that alternative perspectives are presented. In this case, the Forum had regard to the complainant's concerns regarding the portrayal of the war in Ukraine and the presenter's line of questioning about Ukraine joining NATO.

The Forum noted that the item comprised coverage of the war in Ukraine with reports on various aspects, including how it was being reported in the Russian media and the plight of refugees. In addition, it included expert interviews with a Moscow Times columnist and an academic who has lectured in Ukraine. The Forum noted that the selection of contributors is an editorial decision for the broadcaster and that there was no evidence in the broadcast content that the selection resulted in a programme that breached the Act or Codes as asserted by the complainant. Several questions were put to the interviewees, including how the war is viewed in Russia and requests for a no-fly zone. It was noted that the only reference to NATO was in the academic's response to this question. The Forum found there was no evidence of the presenter attempting to "nudge" guests into stating that NATO should become involved in the conflict. The Forum also found that there was no evidence in the broadcast content to support the complainant's view that the presenter's questions or body language breached the Codes.

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	**C5691**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	The Brendan O'Connor Show
Broadcast Date	13th March 2022
Broadcast Time	11:00
Programme Description	Mix of news, interviews, reports and discussion
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1, 4.2, 4.17, 4.19, 4.20 and 4.22.

Complaint Summary

The complaint concerns a discussion on the war in Ukraine and the contribution of a panelists on the programme.

The complainant believes the content and presentation of the broadcast infringed the requirements of fairness, objectivity and impartiality by omitting explanatory context and clarification of assumed statements of fact and opinions by panellists.

The complainant states that it is critical in advocating impartiality in broadcasting that there is fact checking of statements made on subjects broadcast and that there is full disclosure of that fact checking. The complainant claims one of the panellists on the programme, a lecturer in International Relations and EU Politics, made a significant number of 'statements of fact' and opinions without context or challenge by the presenter. The complainant cites the following examples:

- That the Russian language was or is banned in Ukraine;
- That East or Central Ukraine is ethnically and linguistically Russian; and,
- That NATO or the West is responsible for the invasion of Ukraine, citing the 2008 NATO enlargement arrangements.

The complainant challenges these statements and questions the methodology in the selection and composition of the panel. The complainant believes there was bias and misinformation in the broadcast.

Broadcaster Response Summary

The broadcaster does not believe the broadcast infringed the relevant statutory provisions in relation to fairness, objectivity and impartiality.

The broadcaster points out that the newspaper panel on the programme has a long and well-established expectation that the discussion is driven by the contributors setting out their views on the stories that are under consideration. The panellists are invited to offer their opinions on the issues and to discuss and debate these, while the presenter also intervenes to provide alternative views.

The broadcaster claims the panellists on this broadcast offered varying perspectives on the Russian invasion of Ukraine and the presenter offered different points of view on a number of occasions during the programme. The broadcaster notes that, at one point, the presenter put a tweet by a fellow academic in EU Politics to the panellist, directly countering her point of view.

The broadcaster believes the broadcast featured a wide range of views on the subject and was fully compliant with all the 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 broadcast refers to the views expressed by one of the panel members, a lecturer in International Relations and EU Politics in Dublin City University, which the complainant believes were statements of fact and opinions that were provided without context.

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, 4.20 and 4.22. The Code requires current affairs items 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 shall comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. The Code requires that current affairs content shall be presented with due accuracy, having regard to the circumstances and the facts known at the time. The Code requires that views and facts shall not be misrepresented or presented in such a way as to render them to be misleading. The Code also requires that a significant mistake should be acknowledged and rectified speedily. The Code further provides that current affairs presenters shall 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 Forum first considered whether the broadcast did not meet the requirements of fairness, objectivity and impartiality in the range of contributors and perspectives included on the subject matter. 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 that discussions of current affairs issues are not one-sided and that alternative perspectives are presented. The Forum had regard to the complainant's concerns

regarding ‘statements of fact’ and opinions by one of the panellists and the concerns expressed regarding the selection and composition of the panel.

The Forum found that this was a wide-ranging discussion which consisted of two journalists, one of whom was a university lecturer and the other a director of the ESRI. The discussion centred on articles from newspapers regarding the war in Ukraine and its impact in Europe and Ireland. The Forum found that the presenter ensured the panel members were given time to put forward their views on the various aspects of the war. The DCU lecturer referenced recent history when describing how the conflict had been building up, going back to 2008. The presenter followed the format of the show by reading out text messages comprising listeners’ comments on the conflict. The Forum was of the view that the discussion in general was managed appropriately by the presenter who put forward suggestions and counter arguments to elicit responses from the panel and that the audience was not misled on the subject under discussion.

The Forum noted that the make-up of panels and contributors is an editorial decision for the broadcaster. The Forum did not consider that the composition or contributions from the panel resulted in any lack of fairness, objectivity or impartiality in the broadcast. The Forum also noted the relevance of contextual factors related to the broadcast, including the type of programme and audience expectations in reaching this decision.

The Forum decided the programme, when taken in whole and in context, 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	**C5694**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Liveline
Broadcast Date	17th February 2022
Broadcast Time	13.45
Programme Description	Daily phone-in programme, covering a variety of topics
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1, 4.2, 4.3, 4.19, 4.20, 4.22 and 4.23.

Complaint Summary

The complaint concerns a discussion on the amendment to the Official Languages Act which would require 20% of all new recruits to the public service to be reserved for people competent in the Irish language. The complainant was a caller to the programme.

The complainant states that the on-air conversation left him feeling hurt, angry and disappointed. The complainant says he was not given the opportunity to speak, he was repeatedly interrupted and he was accused of things that were not true.

The complainant states that he was shocked and disappointed when the presenter used his full name on air because he did not give permission to use his full name and he believes that it is not common practice on the pro**gramme to refer to people's full names.**

The complainant was not happy with how the presenter challenged him about a fact he presented on the percentage of Department of Education staff who are able to provide services in Irish. The complainant, in his co**mplaint, cites a report on RTÉ's website referencing RTÉ's own use of this fact.**

The complainant believes the presenter attributed views to him that he had not expressed, citing an example of the presenter suggesting he was discriminating against kitchen staff or working class people.

The complainant believes he was not treated in a fair manner and he believes the broadcast was not **presented in an objective and impartial manner, without the expression of the broadcasters' own** views.

Broadcaster Response Summary

The broadcaster expresses regret that the on-air conversation was a source of anger and disappointment for the complainant but believes that the presenter treated the complainant fairly and with respect. The broadcaster notes the complainant was given an opportunity to participate in the debate and was given the majority of time in the Irish language segment. The broadcaster contends

that the programme is known for its challenging and strong debate and is of the opinion that participants to the programme would expect their opinions to be examined and questioned.

The broadcaster states that a researcher on the programme called the complainant after the complainant had texted the programme. The broadcaster states that the researcher took a detailed summary along with the complainant's name and address and that the complainant did not advise the researcher that he did not consent to his surname being used in the broadcast. The broadcaster states that it is normal practice to use full names on the programme.

The broadcaster refutes the claim by the complainant that the presenter interrupted him every time he spoke, contending that the presenter asked questions in response to points raised by the complainant and opposed arguments with alternative views, which is an appropriate method for teasing out the points. The broadcaster believes listeners to the programme expect this approach from the programme and that it corresponds with the presenter's style.

The broadcaster claims it is clear from the transcript of the programme that the complainant received time and opportunity to make his points, in a respectful and courteous way.

The broadcaster defends the presenter's right to refer to the ESRI research on the Irish language. It was used to inform the debate and the figures quoted helped to illustrate the socio-economic differences between Irish speakers and those without Irish.

The broadcaster states that fact checking a participant's claim on the programme is an integral part of the programme. When the complainant made a claim regarding a report on the percentage of staff in the Department of Education who use the Irish language, the presenter made it clear that he wished to have that checked out by stating "we'll try and double check that".

The broadcaster also refutes the claim by the complainant that the presenter tried to put words in his mouth at any stage during the discussion, noting that the complainant was given time to respond to the point raised by the presenter in relation to working class people being disadvantaged by the proposed legislative change.

The broadcaster believes the complainant was treated in a fair and respectful manner.

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 that the complaint related to a broadcast where the complainant was a contributor. The complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.2, 4.3, 4.19, 4.20, 4.22 and 4.23. The Code requires current affairs items 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 Code requires the broadcaster to deal fairly with contributors to current affairs content or with persons or organisations referred to in that content. The Code requires that views and facts shall not be misrepresented or presented in such a way as to render them to be misleading. The Code requires that a significant mistake should be acknowledged and rectified speedily. The Code provides that current affairs presenters shall 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 further provides that 'personal view' or 'authored' current affairs segments or programmes can be appropriate, subject to normal editorial controls.

In considering the complainant's view that he was continually interrupted by the presenter and accused of untruths, the Forum found that the complainant was given ample time to express his views before the presenter put various questions to him, along with providing statistics to challenge some of the statements made by the complainant. The Forum noted it is part of the presenter's job to challenge the views and assertions of contributors. The Forum considered contextual factors related to the broadcast, including the type of programme and audience expectations of same. 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. In relation to the complainant's full name being mentioned on air, the Forum was of the view that it was not unusual for Liveline to provide a contributor's full name during a broadcast and the complainant did not challenge this during the broadcast.

In respect of rule 4.23, the Members agreed that no case had been made that this rule was breached during 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	**C5695**
Complainant	[redacted]
Station	Newstalk 106 -108fm
Programme Name	The Pat Kenny Show
Broadcast Date	16th March 2022
Broadcast Time	09:00
Programme Description	General current affairs programme
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1 and 4.28.

Complaint Summary

The complaint concerns comments made by the presenter when referring to the war in Ukraine.

The complainant claims that during the broadcast, the presenter referred with contempt several times to "The Russians", "Russians" and "The Russian war".

The complainant claims that the presenter described an anti-war protest by a woman on Russian TV as a "straw in the wind" and generally downplayed anything Russian.

The complainant believes the broadcast was not impartial and that the presenter's line of questioning was indicative of racism toward Russian people, for example, when asking what life is like on the ground in Russia and talking about Russian people possibly feeling uncomfortable if they knew what was going on in Ukraine.

The complainant believes the broadcast did not feature the views or perspective of Russians.

Broadcaster Response Summary

The broadcaster believes the broadcast was fair, balanced and objective.

The broadcaster states that an American journalist based in Odessa was interviewed and provided an update on the war in Ukraine. The broadcaster says that this contributor was not selected because of his nationality but because of his location, which would be the norm when seeking an update from the scene of a major international event.

The broadcaster believes the presenter's questions were neutral and fair and that the questioning and language used in the broadcast were appropriate and impartial and there was no contempt displayed.

The broadcaster states that the second guest interviewed in the broadcast has expertise and personal knowledge of Russia and was an appropriate person to discuss the approach by the Russian government and army.

The broadcaster rejects any claim of racism. The broadcaster states that all coverage of the war has been fair and all language used to describe Russia and its population has been appropriate and accurate.

The broadcaster notes that the presenter's "straw in the wind" comment about a woman's anti-war protest was in reference to the way in which information about the war in Russia has been controlled and managed by the Russian government, as has been widely and independently reported.

The broadcaster also notes that, at the end of the segment, the presenter commented on possibly discussing in a future broadcast what the West could have done to avoid conflict with Russia. The broadcaster states that this comment provided another facet and viewpoint which posed a probing question of the West and could not be deemed anti-Russian.

The broadcaster believes fairness and balance was achieved in this broadcast and that it did not infringe the Broadcasting Act or 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 broadcast concerns comments aired by interviewees on the ongoing conflict in Ukraine from two contributors, a journalist based in Odessa and the other with personal knowledge of Russia. The complainant believed that the terminology used by the presenter displayed a lack of fairness towards the Russians.

The complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1 and 4.28. The Code requires current affairs items be presented in an objective and impartial manner and without any expression of the broadcaster's own views. The Code further requires broadcasters to adhere to all legislative requirements when sourcing, compiling, producing and presenting news and current affairs.

In considering the complainant's view that the presenter referred with contempt several times to "The Russians", "Russians" and "The Russian War" the Forum found that the use of these words are the normal collective terms used when referring to the war in Ukraine. The Forum noted that contributors to the programme also referred to "The Russians" in the normal course of reporting. There was no evidence of any contempt in the presenter's voice and the broadcast content did not support the complainant's view that the broadcast could be described as racist. The Forum was of the view that the presenter posed appropriate questions to elicit informative views from his contributors about the impact of the war on the Ukrainian people.

The Forum also noted that the complaint is made under rule 4.28 and believe no case was made by the complainant that the legal requirements under this rule were breached.

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	**C5704**
Complainant	[redacted]
Station	RTÉ One
Programme Name	Six One News
Broadcast Date	17th May 2022
Broadcast Time	18.01
Programme Description	Evening news
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1 and 4.2

Complaint Summary

The complaint concerns a report on the intention by the British Government to provide an amnesty for those accused of unlawful killings, including the British army, during the Troubles in Northern Ireland.

The complainant states that the report included an interview with two people who had civilian relatives killed by the IRA. Given the context of the news item, the complainant believes that an interview with a relative of a person killed by the British army was required to meet the fairness and objectivity requirements of the Act and the Code.

Broadcaster Response Summary

The broadcaster notes that there is no requirement for balance in a news report. The broadcaster notes that the context for the report was a proposed amnesty in relation to unsolved killings during the Troubles in Northern Ireland. The broadcaster contends that the inclusion of two interviewees potentially impacted by such a decision was appropriate. The broadcaster maintains there was no infringement of the Broadcasting Act or the BAI Code as cited 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 reasons for the decision are set out below.

The broadcast is a news report about the British government intending to introduce legislation which would offer amnesty from prosecution for people accused of unlawful killings during the Troubles.

The Forum noted the complaint was submitted under rules 4.1 and 4.2 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. 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 requirement to be fair to all interests concerned applies to current affairs but not to news. As this broadcast was a news report, the Forum did not consider whether the broadcast had been fair to all interests concerned.

The Forum considered whether the broadcast had failed to meet the above-mentioned requirements by including contributions from two people who had relatives killed by the IRA and no contribution from a person who had had a relative killed by the British army. The Forum noted that the broadcast identified one contributor as being a relative of someone who had been killed by the IRA; another contributor may have been a relative of a person killed by the IRA, but that was not made explicit in the broadcast. The Forum was of the opinion that the relatively short report was clear that the proposed amnesty would apply to members of the British army accused of unlawful killings, as well as IRA members. In this regard, the Forum noted the visuals and voiceover at the end of the report featured imagery of the British army and referenced the opinion of some that the proposed legislation was delivering on a promise by the UK Government to army veterans to ward off prosecutions being brought against them. Taken in whole and in context, the Forum found no evidence of a lack of objectivity or impartiality in the broadcast.

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	**C5708**
Complainant	[redacted]
Station	Newstalk 106–108FM
Programme Name	The Hard Shoulder
Broadcast Date	27th May 2022
Broadcast Time	16:00
Programme Description	Current affairs programme broadcast daily
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 is about a programme item on the topic of gun control, which arose in the context of a mass shooting incident in the USA.

The complainant states that during an interview with a representative from Republicans Overseas UK, the presenter declared that he was not going to be impartial and was going to abandon all pretence of impartiality. Following the interview, the presenter further stated that this was not the week for pretending to be unbiased in an interview.

The complainant also believes that the presenter was discourteous and unfair to the interviewee when he said to her "don't be daft".

The complainant believes the presenter expressed his own partisan views on the subject regarding the desired approach and remedy for mass shootings and was dismissive of the interviewee's opinions.

Broadcaster Response Summary

The broadcaster does not believe the broadcast breached the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The broadcaster is of the view the presenter treated the interviewee in a fair, impartial and objective manner.

The broadcaster states that this was a robust discussion on gun control and recent mass shootings in America. During the discussion the interviewee put forward scenarios and statistics in support of her view that gun controls were not the problem but lay elsewhere, for example with mental health or opioid use. The presenter challenged these views vigorously to convey a different point of view. The broadcaster states that an important part of the role of presenter is to ensure the audience has access to a wide variety of views and sometimes this includes conveying a critical point of view.

The broadcaster accepts that the presenter stated that it was time to abandon all pretences of impartiality and that it "was not the week for pretending to be unbiased in an interview like that". The

broadcaster contends that the statements were not made in the literal sense suggested by the complainant, but in light of the deaths of innocent children, which neither the presenter nor the interviewee were impartial on.

The broadcaster claims that the presenter did not put forward his own partisan views with regard to a solution to the mass shooting phenomenon as suggested, but rather engaged in a challenging and robust debate with the interviewee in respect of mass shootings and gun control.

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 broadcast concerns the topic of gun control, which arose in the context of a mass shooting incident in the USA.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, 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 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 Code further requires that a presenter and/or reporter on a current affairs programme shall not express his or her own views on matters of public controversy or current public debate such that a partisan position is advocated.

The Forum noted the complainant's view that the presenter's statement that he will "...abandon all pretence of impartiality" led the broadcast to lack fairness, objectivity and impartiality in its treatment of the topic. The Forum noted that this interview arose because of the human reaction to the recent mass shooting in Texas and were cognisent of emotions running high after such an incident. The presenter dismissing impartiality addressed his emotional side of the debate i.e. he could not be impartial regarding the deaths of children. The Forum noted that the discussion focused on gun control in the US, arising from this and other similar incidents over many years, and impartiality was not sidelined during the interview, when taking the interview in whole or in part. The Forum noted the interviewees' views that gun control does not prevent such mass shootings and was afforded ample time to express her views during this robust interview.

The Forum noted that the broadcaster should in future consider the wording used when approaching the coverage of current affairs items more carefully as the use of the wording "...abandon all pretence of impartiality" during the programme may have led listeners to believe the broadcast was not fair, objective or impartial. Having listened to the footage, the Forum believes this interview was fair and impartial.

The Forum noted the complainant's view that the presenter expressed his own views during the broadcast and that the treatment of the interviewee was unfair. The Forum did not consider that the presenter's own views were expressed such that a partisan position was advocated. The interviewee

was challenged in a robust manner to elicit her response to questions posed, which were in line with audience expectations for the programme.

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	**C5709**
Complainant	[redacted]
Station	RTÉ Radio 1
Programme Name	Today with Claire Byrne
Broadcast Date	27th June 2022
Broadcast Time	10.00am
Programme Description	Daily current affairs programme
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, 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 discussion with a former Fine Gael TD on legal handgun ownership in Ireland.

The complainant states that the interviewee was allowed to misrepresent the facts of ownership and to portray handgun owners in a negative way and to misrepresent the process of handgun ownership such that it could be perceived as unmanaged and representing a danger to the public. The complainant claims that the presenter voiced her disapproval of this lawful activity and failed to facilitate an alternative view.

The complainant maintains that the interviewee made numerous unsubstantiated claims, including that handgun owners bought guns online. The complainant questions why the presenter did not appear to know the facts of the process of gun ownership and why the interviewee was allowed to refer to it as 'chaotic'.

The complaint states that the presenter did not point out facts, challenge claims or provide alternative viewpoints to various opinions expressed by the interviewee, including that access to firearms by members of the public was dangerous, that guns could be used to settle arguments and his reference to "a culture of gun ownership".

Broadcaster Response Summary

The broadcaster states the scope of the item was to explore why the law had been changed in 2009 to curtail legally held handguns and what has changed in the intervening period when there has been an increase in legally held handguns up to 2021. The former TD was interviewed in the context of his role in securing a change to the law in 2009 when he was an elected representative.

The focus of the interview with the former legislator was on his views that current members of the Oireachtas did not have sufficient information available to them on the breakdown of licences issued or the calibre of handguns involved. The programme outlined that, as a result of a Parliamentary question, it was established that there has been an increase in firearms licenced as of 2021. The

presenter also read out a statement to the programme from the Department of Justice, in which it outlined its commitment to undertake a review to modernise firearms and explosives legislation. The statement was issued prior to the programme airing and it demonstrates that some of the former TD's concerns were being addressed in the review.

The broadcaster states that the rules of fairness, impartiality and objectivity do not require that every viewpoint is explored or aired in an item. The broadcaster believes this broadcast sought and provided listeners with a statement from the Department responsible for law in this area and that the scope of the review of legislation is consistent with the views expressed by the interviewee.

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 broadcast concerns a discussion with a former Fine Gael TD on legal handgun ownership in Ireland.

The Forum noted the complaint was submitted under rules 4.1, 4.2 and 4.17 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. 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 Code requires that news and current affairs is presented with due accuracy having regard to the circumstances and facts known at the time.

The Forum considered the complainant's view that facts regarding gun ownership and gun owners were misrepresented and that gun owners were portrayed negatively during the discussion. The Forum also considered the complainant's view that the presenter expressed her own views in relation to the topic.

The Forum noted that the focus of the discussion was separate to the focus of the complaint in that the discussion examined the law in relation to acquiring a gun licence in Ireland; how the law has changed since 2009; issues with data collection concerning gun ownership in Ireland; the increasing number of gun owners; the lack of public information and the response of the Department of Justice in relation to these matters. The Forum noted that the broadcaster is entitled to choose its approach to a current affairs topic and to make an editorial decision in this regard and noted that the interviewee, a former politician, had a keen interest in this area. The Forum also noted that a law was brought forward by this politician, which is now due for review and the discussion also covered the role of politicians going forward on next steps, the deficiencies in the current legislation and in data collection. The Forum also observed that there was nothing personal in the interview regarding individuals owning guns and the discussion focused on the issue as a societal concern. The Forum did not consider that the presenter's own views were expressed such that a partisan position was

advocated, when she elicited answers to questions posed by her which would be of interest to listeners.

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	**C5632**
Complainant	[redacted]
Station	Radio Kerry
Programme Name	Radio Kerry News
Broadcast Date	5th December 2021
Broadcast Time	11:00
Programme Description	News Bulletin during the show Timeless & Irish with Billy Donegan
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1.

Complaint Summary

The complaint concerns a news segment which provided the results of an opinion poll relating to the attitude of people to the pandemic.

The complainant claims that the report indicated this was a nationwide poll that showed those not vaccinated should have their movements restricted. The complainant believes this implies that the survey was carried out on a vast number of the public, however, no statistics were provided to support this. The complainant maintains that this generalisation is divisive and discriminates against those who are not vaccinated or who cannot be vaccinated on medical grounds. The complainant further believes the broadcaster could have investigated how many people were involved in the poll, but instead the segment implied that the survey was nationwide.

Broadcaster Response Summary

The broadcaster states that Kantar is a reputable polling organisation and use unbiased methods in its polling of a sample of the population. The broadcaster acknowledges there is a minority of people who cannot be vaccinated on medical grounds. The broadcaster claims the report related to those who, for no valid medical reason, choose not to be vaccinated and the impact of that choice on society.

The broadcaster believes it is valid to pose the question about the cohort of people who have decided not to be vaccinated and fair to ask publicly whether the individual right to bodily autonomy is an absolute or whether some limits should apply when there is a public health crisis. The broadcaster maintains that the scientific evidence shows that getting vaccinated is the best way to fight the virus.

The broadcaster does not accept that this news item infringed any provision of the Broadcasting Act 2009 or related 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 broadcast was a news report describing some of the results of a poll in relation to Covid-19 published in a national Sunday newspaper. The complaint was submitted under rule 4.1 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which requires news be presented in an objective and impartial manner and without any expression of the broadcaster's own views. The Forum noted the report mentioned the polling company, the newspaper that published the poll and when the polling interviews took place. The Forum found no reference in the report to the numbers of people polled and no evidence in the broadcast to suggest listeners would have been misled about the numbers polled. The Forum noted the report provided some polling results on people's views as to whether there ought to be restrictions for people who are not vaccinated against Covid-19. The data was presented in a factual manner, with no expression of the reporter's views. The Forum found no evidence in the broadcast to suggest a lack of objectivity or impartiality. The Forum decided the content had not infringed the relevant provisions of the Broadcasting Act 2009 or the Code of Fairness, Objectivity or Impartiality in News and Current Affairs. On this basis, the Forum rejected the complaint.

Complaint Reference Number	**C5639**
Complainant	[redacted]
Station	Newstalk 106 – 108fm
Programme Name	The Pat Kenny Show
Broadcast Date	3rd December 2021
Broadcast Time	09:00
Programme Description	Current affairs
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1

Complaint Summary

The complaint concerns comments made by the presenter in response to a report on mica affecting the homes of people living in Donegal.

The complainant acknowledges that the report on the effects of mica on homes in Donegal fairly represented the facts. However, the complainant believes that the presenter's comments during the report asking if anyone had said "thanks" to the taxpayer for coming up with the cash for the redress scheme, was biased, unfair and implied that tax is not paid by people living in Donegal.

The complainant states that comments from listeners with a negative perspective towards Donegal homeowners, receiving monies for this redress scheme, were read out.

The complainant believes a fair, unbiased report would have allowed for a more balanced perspective from a Donegal viewpoint.

Broadcaster Response Summary

The broadcaster states that as this is a current affairs programme, it is their duty to provide a wide and probing discussion on matters of importance and that this includes texts received.

The broadcaster maintains that the programme has featured numerous reports on the situation in Donegal and repeatedly highlighted the plight of families impacted by mica and explored the mental health struggles people are experiencing.

The broadcaster states that the role of a current affairs presenter is to facilitate contributors' opinions and reflect the views of those who cannot, or choose not to, participate in a broadcast. The broadcaster notes that this, at times, requires the presenter to convey critical views and robustly question the interviewee. The broadcaster claims that this is the role the presenter was playing in this interview. The broadcaster rejects the complainant's view that the presenter was biased or unfair in any way or that he implied that tax was not paid in Donegal.

The broadcaster does not accept that this item infringed any provision of the Broadcasting Act 2009 or related 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 broadcast was a report on the Government mica redress scheme for homeowners in Donegal and included exchanges between the programme presenter and reporter, recorded interviewees with people affected by the mica issue and comments from listeners read out by the presenter.

The complaint was submitted under rule 4.1 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The Forum considered whether there was bias and unfairness in the broadcast, particularly in relation to the presenter's question as to whether anyone had thanked the taxpayer for the funds for the redress scheme and in relation some of the listener's comments on the report. The Forum noted the presenter's question was posed to the reporter, who was given an opportunity to respond and he noted that these people in Donegal are taxpayers too. The Forum observed that the principle of objectivity and impartiality does not preclude presenters or reporters conveying critical views or pursing vigorous lines of questioning and there may be occasions where such questioning is an important means of providing a range of views on a subject. Using listener comments and feedback is another means to include a range of views.

The Forum was satisfied the presenter's question and the listener comments were appropriate in the context of the broadcast, which was a lengthy and wide-ranging report on the redress scheme, which featured many views of people affected by the mica issue and quantity surveyors and building contractors who were critical of the scheme and the levels of compensation it offered. Considering the report in whole and in context, the Forum was satisfied the broadcast did not infringe on the requirements of fairness, objectivity and impartiality.

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