



ÚDARÁS
CRAOLACHÁIN
NA hÉIREANN

BROADCASTING
AUTHORITY
OF IRELAND

**Broadcasting Authority of Ireland
Broadcasting Complaints Decisions**

July 2021



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BAI Complaints Handling Process

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

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

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

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

During the period from March to May 2021, 28 complaints were considered by the Compliance Committee of the BAI; nine (9) complaints were upheld in part¹, eight (8) complaints were upheld and 11 were rejected. In addition, the Executive Complaints Forum considered and rejected 19 complaints. The decisions of the Compliance Committee were reached at its meetings held on 3rd March, 31st March and 14th April 2021. The decisions of the Executive Complaints Forum were reached at meetings held on 30th March, 13th April, 27th April and 12th May 2021.

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



Upheld by Compliance Committee

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

Complaint Summary

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

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

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

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

Broadcaster Response Summary

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

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



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

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

Decision of the Compliance Committee

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

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

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

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

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

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

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

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

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

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



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

Complaint Summary

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

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

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

Broadcaster Response Summary

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

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

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

Decision of the Compliance Committee

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

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

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

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

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

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

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

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



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

Complaint Summary

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

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

Broadcaster Response Summary

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

Decision of the Compliance Committee

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

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

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

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

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

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

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

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

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

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



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

Complaint Summary

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

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

Broadcaster Response Summary

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

Decision of the Compliance Committee

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

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

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



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

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

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

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



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

Complaint Summary

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

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

Broadcaster Response Summary

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

Decision of the Compliance Committee

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

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

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



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

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

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

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



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

Complaint Summary

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

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

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

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

Broadcaster Response Summary

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

Decision of the Compliance Committee

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

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

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

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

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

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

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

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



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

Complaint Summary

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

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

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

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

Broadcaster Response Summary

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

Decision of the Compliance Committee

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

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

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

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

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

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

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



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



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

Complaint Summary

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

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

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

Broadcaster Response Summary

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

Decision of the Compliance Committee

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

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

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

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

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

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

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

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



Upheld in Part by Compliance Committee

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

Complaint Summary

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

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

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

Broadcaster Response Summary

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

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



acknowledges that the term should not have been used in the broadcast and apologised fully to the complainant.

Decision of the Compliance Committee

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

The Committee noted that the complaint was made under Principle 1 and Principle 5 of the Code of Programme Standards. Principle 1 of the Code requires broadcasters to consider a range of issues including attitudes to specific language terms. Principle 5 of the Code requires that persons and groups in society are represented in a manner which is appropriate, justifiable and does not prejudice respect for human dignity.

The Committee noted that the term 'half-breed' was used by a guest on the programme when reviewing the film and referencing the main character, who was raised by a Native American Apache tribe. The Committee found the reference to be highly offensive and inappropriate. Furthermore, by failing to take immediate corrective action to demonstrate clearly that this reference was unacceptable, the presenter and the contributor appeared to make light of the term. By allowing the use of such language, the broadcaster failed in its duty of care to the audience. However, the Committee was of the view that this did not stigmatise, support, or condone discrimination or incite to hatred.

Accordingly, the Committee upheld the complaint under Principle 1 of the Code of Programme Standards.



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

Complaint Summary

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

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

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

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

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



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

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

Broadcaster Response Summary

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

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

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

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

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

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

Decision of the Compliance Committee

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

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

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

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

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

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

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

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

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

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



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

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



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

Complaint Summary

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

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

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

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

Broadcaster Response Summary

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

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

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

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

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

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

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

Decision of the Compliance Committee

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

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

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

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

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

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

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

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

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



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

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



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

Complaint Summary

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

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

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

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

Broadcaster Response Summary

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

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

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

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

Decision of the Compliance Committee

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

Complaint Summary

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

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

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

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

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

Broadcaster Response Summary

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

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

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

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

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

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

Decision of the Compliance Committee

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

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

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

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

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

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

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

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



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



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

Complaint Summary

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

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

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

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

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

Broadcaster Response Summary

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

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

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

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

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

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

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

Decision of the Compliance Committee

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

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

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

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

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

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

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

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



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

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



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

Complaint Summary

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

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

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

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

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

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

Broadcaster Response Summary

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

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

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

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

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

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

Decision of the Compliance Committee

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

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

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

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

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

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

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

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



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



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

Complaint Summary

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

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

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

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

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



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

Broadcaster Response Summary

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

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

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

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

Decision of the Compliance Committee

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

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

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

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

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

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

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

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

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

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



Rejected by Compliance Committee

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

Complaint Summary

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

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

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

Broadcaster Response Summary

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

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

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

Decision of the Compliance Committee

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

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

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

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

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



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

Complaint Summary

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

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

Broadcaster Response Summary

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

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

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

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



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

Decision of the Compliance Committee

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

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

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

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

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

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



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

Complaint Summary

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

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

Broadcaster Response Summary

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

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

Decision of the Compliance Committee

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



The Committee's findings are set out below.

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



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

Complaint Summary

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

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

Broadcaster Response Summary

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

Decision of the Compliance Committee

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

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



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

When considering this complaint, the Committee had regard for Principle 6 under which it was submitted.

The Committee found no evidence that the content of the broadcast infringed this Code.



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

Complaint Summary

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

Broadcaster Response Summary

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

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

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

Decision of the Compliance Committee

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



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

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

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



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

Complaint Summary

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

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

Broadcaster Response Summary

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

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

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



Decision of the Compliance Committee

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

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

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

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

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

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



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

Complaint Summary

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

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

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

Broadcaster Response Summary

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

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

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

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

Decision of the Compliance Committee

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

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

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

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

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



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

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



Rejected by Executive Complaints Forum

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

Complaint Summary

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

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

The complainant believes the report could have been balanced with reference to several opposing views: a) to the World Health Organisation's report on children being participants in the spread of Covid-19.

b) interviewing an SNA or a teacher who is at high risk; or c) a Trade Union representative stating that schools are not child minding facilities for working parents.

Broadcaster Response Summary

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



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

Decision of Executive Complaints Forum

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

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

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

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



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

Complaint Summary

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

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

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

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

Broadcaster Response Summary

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

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

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

Decision of Executive Complaints Forum

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

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

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

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

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



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

Complaint Summary

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

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

Broadcaster Response Summary

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

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

Decision of Executive Complaints Forum

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

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



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

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

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



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

Complaint Summary

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

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

Programme broadcast on 19th January 2021

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

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

Programme broadcast on 21st January 2021

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

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

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

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

Broadcaster Response Summary

Programme broadcast on 19th January 2021

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

The interview with Andy Pike, Fórsa/INTO, discussed the issues raised in a preceding report on the challenges facing parents of children with special needs. The broadcaster states that the interview was challenging, probing and robust and was fair to the interviewee because he had prior knowledge of the topics before taking part, he is involved in these issues in his union role and he is well positioned to address the questions put to him.

The broadcaster is of the view that both interviews were conducted in a respectful manner, there was no misrepresentation of the facts, and the programme complied with the relevant statutory and regulatory requirements for fairness, objectivity and impartiality.

Programme broadcast on 21st January 2021

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

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



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

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

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

Decision of Executive Complaints Forum

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

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

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

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



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

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



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

Complaint Summary

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

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

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

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

Broadcaster Response Summary

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



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

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

Decision of Executive Complaints Forum

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

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

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

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

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



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

Complaint Summary

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

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

Broadcaster Response Summary

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

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

Decision of Executive Complaints Forum

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

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

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

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

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

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

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

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



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

Complaint Summary

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

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

Broadcaster Response Summary

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

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

Decision of Executive Complaints Forum

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

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

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

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

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

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



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

Complaint Summary

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

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

Broadcaster Response Summary

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

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

Decision of Executive Complaints Forum

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

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

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

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

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

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



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

Complaint Summary

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

Broadcaster Response Summary

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

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

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

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



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

Decision of Executive Complaints Forum

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

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

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

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

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



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

Complaint Summary

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

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

Broadcaster Response Summary

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

Decision of Executive Complaints Forum

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

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

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



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

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

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

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



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

Complaint Summary

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

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

Broadcaster Response Summary

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

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



Decision of Executive Complaints Forum

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

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

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

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

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

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



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

Complaint Summary

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

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

Broadcaster Response Summary

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

Decision of Executive Complaints Forum

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

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

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



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

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

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

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



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

Complaint Summary

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

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

Broadcaster Response Summary

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

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

Decision of Executive Complaints Forum

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

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

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

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

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

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



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

Complaint Summary

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

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

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

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

Broadcaster Response Summary

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

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

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

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

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

Decision of Executive Complaints Forum

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

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

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

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

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

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

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

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



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

Complaint Summary

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

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

Broadcaster Response Summary

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

Decision of Executive Complaints Forum

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

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

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



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

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

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



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

Complaint Summary

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

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

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

Broadcaster Response Summary

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

The broadcaster believes the content was compliant with the relevant statutory and regulatory codes.

Decision of Executive Complaints Forum

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

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.2 and 4.22. The Code requires that the broadcast treatment of current affairs is fair to all interests concerned and presented in an objective and impartial manner. Broadcasters are required to comply with principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. The Code also recognises the role of current affairs presenters in ensuring audiences have access to a wide variety of views and presenters are not permitted to express their own views on current affairs such that a partisan position is advocated.

The Forum considered the complainant's view that an inaccurate comment was made by the presenter and that the presenter promoted her own belief by making the comment during the interview with the Bishop of Limerick. The Forum noted that the Bishop explained that, following the Irish Catholic Bishops' Conference, it was announced that there will be a new Synodal Pathway for the Catholic Church in Ireland. The Forum noted that the presenter then asked a question regarding the role of women in the Catholic Church going forward. The Forum considered that this question was editorially justified in the context of the interview topic and that the presenter did not promote a partisan position by posing the question.

The Forum noted the programme featured a discussion with the Bishop of Limerick about an upcoming Irish Synod, during which the Bishop offered his views on the aims of this Synod and how it will address contemporary challenges. The presenter asked the Bishop, "Now let's be clear, this Irish process isn't going to give us women priests or married priests. The universal Church teaching will remain, so what roles might this future Church create for women here?"

The Forum noted the complainant's view that the presenter's remarks were inaccurate because there are married former Anglican clergy in the Catholic Church and that celibacy is a tradition, not a teaching. The Forum was satisfied that the interviewee, as a Bishop, is knowledgeable and expert in Catholic teaching, traditions and practice, and was given ample time to respond to the question. The Forum did not believe the presenter's language or the terminology used would have been misleading for the audience about the subject under discussion. The Forum considered the question editorially justified in the context of the interview and found no evidence in the content of the presenter expressing her own views such that a partisan position is advocated.

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



Complaint Reference Number	C5498
Complainant	Bob Buckley
Station	RTÉ Radio 1
Programme Name	Liveline
Broadcast Date	3 rd March 2021
Broadcast Time	13.45
Programme Description	Live phone-in programme covering range of topics, broadcast each weekday.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); the BAI Code of Programme Standards - Principles 2 and 5.

Complaint Summary

The complaint concerns comments made by a caller to the programme during a debate between a farmer supporting the practice of meat eating and a woman supporting veganism.

The farmer, in support of this views, referenced a story from the Bible about the fatted calf slaughtered for the return of the prodigal son. In responding to this, the woman said, "There are a lot of things in the Bible, like beat your children and beat your wife, that we know about, that we know is unjust."

The complainant believes that the women's comment is a false statement and that listeners to the programme may get the impression that the Bible condones violence against women, and this is offensive to women and demeans their dignity. The complainant is also of the view that the statement does reputational damage to the Bible and, as a Christian, is offended by it.

Broadcaster Response Summary

The broadcaster states that Liveline is a caller driven programme that has a well-established audience expectation for robust and heated exchanges between callers, guests and the presenter on a wide range of topics. The broadcaster states that the remarks were made in the context of callers debating the validity of using the Bible as a historical reference point regarding meat eating.

The broadcaster notes that the Code of Programme Standards recognises that there may be times a broadcast causes offence, that offence is subjective and varies from person to person and that there is no right not to be offended. The broadcaster states that the threshold is undue offence and the broadcaster does not believe that the content caused undue offence.

The broadcaster believes that the item was fully compliant with all the relevant statutory and regulatory provisions.

Decision of Executive Complaints Forum

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

The Forum noted the complaint was submitted under Principles 2 and 5 of the Code of Programme Standards. The Code recognises that harm or offence may be caused solely by the programme material itself or by virtue of the context in which programme material is viewed or heard or because the material is not in line with the audience's expectations. Programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society. The Code requires broadcasters show due respect for religious views, images, practices and beliefs.

The Forum noted the item on the programme was prompted by a poster by 'Go Vegan World' which compared a lamb to a child. One caller, a farmer, defended meat-eating by arguing it is a practice dating back to biblical times and the killing of the fatted calf in the story of the Prodigal Son. Another caller responded, saying, "Well, to use the length of time or a religion to justify something that's completely indefensible...there are a lot of things in the Bible, like beat your children and beat your wife, that we know about, that we know is unjust."

In considering this complaint, the Forum noted that the Code recognises that matters which cause offence can differ from person to person and are largely subjective in nature. The Code acknowledges that there can be no guarantee that programme material will be free from offence and there is no right not to be offended, however, broadcasters can guard against undue offence by ensuring content is editorially justified and/or in the public interest. The Forum noted the discussion in the programme was focused on meat-eating and veganism and not on matters contained in the Bible. The references to violence in the Bible were made by one caller to illustrate her point that the Bible should not be used to justify current practices in relation to meat-eating. The Forum noted that the discussion ended soon after the woman's comments and there was no time in the programme to explore any of these views in more detail.

The Forum considered contextual factors related to the broadcast, including the type of programme and audience expectations of the programme. The Forum noted that this is a caller-driven programme that explores the issues of the day through individual stories, experiences and opinion. The programme format is well established and audiences expect to hear robust and, sometimes, controversial opinions from callers to the programme. The Forum concluded that while the broadcast may have caused offence to some listeners, it was unlikely to have caused undue offence to the wider audience.

The Forum found no evidence in the content that the broadcast condoned discrimination against persons and groups in society based on their gender or religious beliefs.

On this basis, the Forum was satisfied that the content had not infringed the relevant provisions of the Code of Programme Standards or the Broadcasting Act 2009. Accordingly, the complaint was rejected.