



ÚDARÁS
CRAOLACHÁIN
NA hÉIREANN

BROADCASTING
AUTHORITY
OF IRELAND

**Broadcasting Authority of Ireland
Broadcasting Complaints Decisions**

September 2021



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BAI Complaints Handling Process

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

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

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

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

During the period from May to July 2021, one (1) complaint was considered and rejected by the Compliance Committee of the BAI. Fifteen (15) complaints were considered by the Executive Complaints Forum, with one (1) complaint upheld in part and fourteen (14) rejected.

The decision of the Compliance Committee was reached at its meeting held on 2nd June 2021, while the decisions of the Executive Complaints Forum were reached at meetings held on 25th May, 22nd June, 13th July and 27th July 2021.



Rejected by Compliance Committee

Complaint Reference Number	C5495
Complainant	Anonymous
Station	RTÉ One
Programme Name	Prime Time – Forgotten Children
Broadcast Date	25 th February 2021
Broadcast Time	21:35
Programme Description	Current affairs programme
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in current affairs) and (b) (harm and offence) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - Rules 4.1 and 4.2 BAI Code of Programme Standards - Principles 3 and 7

Complaint Summary

The complaint concerns a report and interview on the programme about the experience of children, under the care of the State, who were boarded out to families in the community. The programme segment deals with individual experiences of abuse, neglect and exploitation, and discusses the absence of any redress scheme for those children, who are now adults.

The complainant claims that allegations of abuse made by one interviewee on the programme were false. The complainant states that these allegations in the programme have caused immense distress, harm and offence to the complainant's mother, who is a member of the family with whom the interviewee was boarded out. The complainant states that the complainant's mother does not recollect problems with the interviewee or him being treated badly and believes he was treated the same as everyone else.

The complainant believes the accusations in the programme are unfair and questions the journalistic standards of the programme and whether the claims made by the interviewee were investigated to confirm their validity.

The complainant notes that the programme identifies the village in which the interviewee lived with the foster family and this made the family identifiable to members of that community. The complainant states that the complainant's family was contacted by a person from the village after the programme was broadcast to suggest the complainant should watch it. The complainant claims that at least two people in the area would have known the complainant's grandparents, with whom the interviewee was boarded out. The complainant believes the programme was not fair to all concerned.

Broadcaster Response Summary

The broadcaster states that the interviewee has his story and has a right to share it. The broadcaster chose to tell his story as part of a broader piece about the boarding out system that used to exist in Ireland.



The broadcaster acknowledges that the complainant's mother has her own memories and experiences and notes that it is not unusual for two people to have had very different experiences as children in the same setting, to the extent that one child is unaware of the other child's perspective.

Decision of the Compliance Committee

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

The Committee noted the complaint relates to rules 4.1 and 4.2 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that current affairs content, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of: (1) fairness, (2) objectivity and impartiality, (3) accuracy and responsiveness, and (4) transparency and accountability.

The Committee noted the complaint also relates to Principles 3 and 7 of the Code of Programme Standards. The Code requires broadcasters to take due care to ensure audiences are not exposed to harmful content and also requires broadcasters to ensure the privacy of individuals is not unreasonably encroached upon.

The Committee noted the key focus of the programme was on people who had experienced abuse, neglect and/or exploitation when "boarded out" as children and who were excluded from State redress Schemes. The editorial approach to the topic was to tell the personal stories and testimony of some of those affected by their experience of being "boarded out". The segment which is the subject of the complaint relates to the story of one interviewee.

In considering whether the content was presented in an objective and impartial manner and was fair to all interests concerned, the Committee noted the programme named the village where one interviewee was "boarded out" but did not name any individuals that were the subject of allegations made by the interviewee. The Committee was of the view the focus of the programme was not to uncover or reveal individual wrongdoing but rather to highlight, through a range of personal stories, that there is a group of people who experienced wrongdoing while under the care of the State who are denied access to a form of redress. The Committee believes there is a public interest in covering this subject, it is an editorially legitimate approach to use personal experiences to tell the story, and the level of personal detail included in the programme was appropriate, in this context.

The Committee was mindful of the fact that some of the programme content was of a personal and sensitive nature to the complainant and that the complainant disputes some of the claims made by one of the interviewees. The Committee noted the claims made by this interviewee were already in the public domain, having been covered in an article in a national newspaper. The Committee also noted that, in disputing the interviewee's claims, the complainant did not use personal testimony but relied on views expressed by a relative of the complainant. This person is not a party to this

complaint. The Committee acknowledges the programme may have caused distress to the complainant and the complainant's relative, but the Committee also recognises the entitlement of the interviewee to speak about his experience and memories of his childhood. The Committee observed that it is not unusual for people to have different memories of childhood events.

In the context of the subject of the programme and the editorial approach taken to subject, the Committee was satisfied the programme had been fair to all interests and had been objective and impartial in how it covered the story.

In considering whether the programme caused harm, the Committee noted the Code of Programme Standards recognises harmful material is material that has an 'effect', that is, content that causes mental, psychological or physical harm. The Code requires broadcasters to take due care when broadcasting programme material containing characters, actions and personal circumstances with which audiences may identify and which can cause distress.

The Committee noted the programme contained personal stories of abuse, sexual abuse, exploitation and neglect that may potentially cause distress to the audience but was of the view the subject was treated sensitively and did not include any graphic imagery or gratuitous detail. The Committee observed that, while protecting audiences from harmful content, broadcasters must be free to make programmes that may be provocative or deal with sensitive issues. The Committee was of the view that there is editorial justification for covering this story and a public interest in raising awareness of it. The Committee also considered contextual factors of the programme: the type of programme; the broadcast channel, the time of broadcast and the likely expectations of the audience. The Committee noted this is a current affairs programme, broadcast after 9pm on a channel known for dealing with serious current affairs issues, and the programme has an established audience that would expect content of this nature. On this basis, the Committee was satisfied the content would not have caused harm, as is characterised in the Code, to a general audience. The Committee acknowledged the programme may have caused distress to the complainant and the complainant's relative but determined that the public interest in covering this subject justified the broadcast of the programme.

In considering whether the programme unreasonably encroached on the complainant's privacy, the Committee noted the Code of Programme Standards requires complaints regarding privacy to be made by the person whose privacy may have been unreasonably encroached upon. A parent, guardian or representative nominated by the person, may make a complaint on behalf of the person where appropriate. In this case, the complaint is not made by the person whose privacy may have been unreasonably encroached upon and it is not evident the complainant was nominated to make this complaint on behalf of a person whose privacy may have been unreasonably encroached upon. On this basis, the Committee decided Principle 7 of the Code did not apply to the complaint.

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



Upheld in Part by Executive Complaints Forum

Complaint Reference Number	C5525
Complainant	Justin Byrne
Station	RTÉ Radio 1
Programme Name	Drivetime
Broadcast Date	5 th May 2021
Broadcast Time	16:30
Programme Description	News and current affairs.
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) and (b) (Fairness, Objectivity and Impartiality in News and Current Affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.1, 4.2, 4.17, 4.19 and 4.22

Complaint Summary

The complaint concerns a discussion on the proposed redevelopment of Galway Harbour.

The complainant believes the segment was not fair to all interests concerned, did not present the matter in an objective or impartial manner, and parts of the broadcast were presented in such a way as to be misleading.

The complainant is of the view the segment was effectively an advertisement in favour of developing the port because there was no mention of any opposition to the plan and or the history of opposition to the development of the port. The complainant notes that all the speakers were in favour of the development and the presenter's commentary did not bring any balance to the discussion.

The complainant believes the segment gave the impression the redevelopment of the port was agreed or decided and some listeners would not have understood from the segment that this is a controversial project with significant public opposition.

Broadcaster Response Summary

The broadcaster states the report focused on the announcement of the public consultation regarding the re-development of the Galway Harbour area that took place that day, 5th May 2021. The broadcaster notes that two contributors outlined the proposed plan and it was clearly said that the proposal to extend/relocate the port was subject to planning permission and that the project had been referred to the EU Commission in relation to the Habitats Directive.

The broadcaster states the item was not a debate about the merits of the proposal and the presenter's questions were neutral and sought information on the plans.

The broadcaster notes there is no requirement to have an alternative view in every item or report on a controversial or topical issue and the omission of a viewpoint or perspective does not automatically result in unfairness.



Decision of Executive Complaints Forum

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

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.2, 4.17, 4.19 and 4.22. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. News and current affairs shall be presented with due accuracy and views and facts shall not be misrepresented or presented in such a way as to render them misleading. Current affairs presenters must ensure the audience has access to a wide variety of views on a subject and must reflect the views of those who cannot or choose not to, participate in content.

The content complained of was a report on the redevelopment of Galway Harbour in the context of a public consultation on the Galway Harbour Company's development plans. The content included pre-recorded interviews with the Chief Executive of the Galway Harbour Company, the Galway Harbour Master and the local TD and Minister of State at the Department of Transport, and also included exchanges between the programme presenter and reporter.

In considering the complainant's view that parts of the broadcast were presented in such a way as to be misleading, the Forum noted the report clearly referenced the public consultation in relation to the project, the need for the project to comply with planning processes and that such processes were ongoing. The Forum found no examples of inaccuracies in the report or of views or facts that were misrepresented or presented in a way that could be misleading.

In considering the complainant's view the broadcast was not fair to all interests concerned by not providing a range of views on the subject, the Forum noted the Code does not require programmes to feature all viewpoints to be fair, objective and impartial in its treatment of a subject. However, there is an expectation the presenter or reporter will ensure discussions of news and current affairs issues are not one-sided and that alternative perspectives are presented, including the views of those not in attendance insofar as appropriate and practical. In this regard, the Forum noted the selected interviewees in the broadcast all expressed positive views about the proposed development of Galway Harbour and moving the port. The presenter and reporter referenced positive views about the plans in their introductions to the segment. The reporter also quoted positive comments about the plans from the Galway Mayor and the local TD and Minister of State for Transport. The questions put to the interviewees did not challenge the positive perspective on the plans nor was there any reflection of the views of those who are critical of the plans. On this basis, the Forum concluded that the broadcast did not feature a sufficient range of views to meet the requirements of fairness, objectivity and impartiality in the Code.



The Forum, by a majority, decided the broadcast had infringed rule 4.22 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs and, accordingly, upheld the complaint, in part.



Rejected by Executive Complaints Forum

Complaint Reference Number	C5499
Complainant	Joseph Fitzpatrick
Station	RTÉ One
Programme Name	Nine O'Clock News
Broadcast Date	4 th March 2021
Broadcast Time	21:00
Programme Description	News programme broadcast each weekday evening.
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.1, 4.2 and 4.17

Complaint Summary

The complaint concerns a news item about the Deputy Chief Medical Officer reporting that four stillbirths had occurred in circumstances where Covid-19 had infected the placenta.

The complainant claims the report was emotional, not firmly based on observable phenomena, and the material was presented sensationally rather than factually. The complainant believes the item was inaccurate in claiming a link between the four stillbirths and Covid-19 because, at the time of broadcast, no clear link had been established. The complainant believes the item took a misleading and sensational approach, which could cause unnecessary stress and worry for pregnant women.

The complainant states the item fell well short of the requirement for news to be reported and presented in an objective and impartial manner.

Broadcaster Response Summary

The broadcaster states that the Deputy Chief Medical Officer raised this matter at a public media briefing by the National Public Health Emergency Team (NPHE). The broadcaster notes the health authorities chose to publicise this matter and it would have been a strange, and arguably, highly irresponsible decision by the broadcaster to second guess that expert decision and to not report it.

The broadcaster does not believe the item was sensationalist and noted the matter did not feature in the headlines or reports, instead it was dealt with in a live interview with the broadcaster's specialist correspondent and included the most senior HSE medical expert on this issue, who was put forward for interview following the public statement by NPHE.

The broadcaster states that its correspondent made clear these were preliminary findings and he noted that NPHE thought this was something people had to be notified of.

The broadcaster notes the interviewee's comments that the findings were not necessarily in keeping with international experience and that, in the cases cited, Covid-19 may be associated with stillbirth



rather than the cause of it. The broadcaster further notes that the interviewee reassured pregnant women and advised them of what to do if they noticed anything unusual during their pregnancies.

The broadcaster states that it was acutely aware of its responsibilities not to be sensationalist and took action to ensure that the reporting could not possibly be seen to have been so.

Decision of Executive Complaints Forum

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

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, Rules 4.1, 4.2 and 4.17. The Code requires news to be presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. News and current affairs shall be presented with due accuracy, having regard to the circumstances and facts known at the time of preparing and broadcasting the content.

The Forum noted the content complained of was a news item featuring the news presenter interviewing a correspondent in studio about the Deputy Chief Medical Officer's public announcement that there were four incidences of stillbirths in Ireland where the Covid-19 infection had gone into the placenta. This segment was followed by a recorded interview with Dr. Peter McKenna, the Clinical Lead of the Women and Infant's Health Programme at the HSE.

In considering the complainant's view the news segment was sensational, inaccurate and misleading, the Forum noted the introduction to the segment by the presenter was somewhat sensational in describing the news as *"something of a bombshell"*. However, the Forum noted the correspondent and recorded interview were not sensational and the facts were carefully reported, highlighting that this was a public announcement by the Deputy Chief Medical Officer and including important caveats on the reported information. For example, the correspondent stated that the information was *"very preliminary"* and that *"the coroner is still continuing his investigations into this. It is being scientifically investigated and that, ultimately, it was just something that they felt they had to notify people of, but they will investigate it further."* The interviewee was also cautious about the findings, stating *"This is not necessarily in keeping with international experience and there may be an explanation for these four findings; they may be associated with the stillbirth rather than the cause of them."*

The Forum also noted both the correspondent and the interviewee offered some reassurance to pregnant women. The correspondent stated, *"Most of the incidences where pregnant women have become infected with Covid-19 so far have had positive outcomes."* The interviewee stated, *"In Ireland, our experience of dealing with pregnancy and Covid has, by and large, been extremely reassuring."*



The Forum was of the view there was a legitimate public interest in reporting this matter and the information, overall, was presented factually and was not inaccurate or misleading.

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



Complaint Reference Number	C5503
Complainant	John PJ Malone
Station	LMFM
Programme Name	Advertisement – Gleeson’s Butchers, Navan
Broadcast Date	11 th March 2021
Broadcast Time	08.58
Programme Description	Advertisement for Gleeson’s Butchers, Navan
Complaint Category	Broadcasting Act 2009 - Section 48(1)(d) (commercial communications) BAI General Commercial Communications Code – Principle 2

Complaint Summary

The complaint relates to an advertisement for Gleeson’s Butchers, Navan.

The complainant claims that St. Patrick’s Day was referred to as “Paddy’s Day” in the advert. The complainant believes his Catholic faith was singled out by the advert for mockery and ridicule and this caused him great hurt and distress. The complainant is of the view the advert showed contempt for his religious beliefs and the reverence in which he holds St. Patrick.

Broadcaster Response Summary

The broadcaster apologised for the advert having offended the complainant. The broadcaster believes the use of the term “Paddy’s Day” was inadvertent and suggested it would not be used in the client’s advertising in future, in agreement with the client. The broadcaster subsequently advised the advert was revised the next day.

Decision of Executive Complaints Forum

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

The Forum noted the complaint was submitted under Principle 2 of the General Commercial Communications Code, which provides that commercial communications shall not prejudice respect for human dignity or cause serious or widespread offence.

The Forum noted the advertisement was for a butcher and referred to “Paddy’s Day” in the advertising copy.

In considering the complainant’s view that the use of the term “Paddy’s Day” in the advertisement was offensive to him and his religious beliefs, the Forum noted the term refers to the Feast of Saint Patrick, which is a cultural and religious celebration in Ireland. The Forum noted there is widespread use of the colloquial term “Paddy’s Day” when referring to this Feast Day and, while this may offend some, it would not cause serious or widespread offence. The Forum found no evidence of mockery or ridicule of religion or religious beliefs in the content.



The Forum also acknowledged the broadcaster had acted promptly to revise the advertisement, replacing “Paddy’s Day” with “St. Patrick’s Day”. The Forum found the broadcaster had acted in a responsible manner to help alleviate any offence caused to the complainant.

The Forum decided the content did not infringe the relevant provisions of the General Commercial Communications Code or the Broadcasting Act 2009. Accordingly, the complaint was rejected.



Complaint Reference Number	C5504
Complainant	Dr. William Ralph
Station	RTÉ Radio 1
Programme Name	Today with Claire Byrne
Broadcast Date	12 th April 2021
Broadcast Time	10:00
Programme Description	Current affairs programme, broadcast each weekday morning Monday to Friday from 10am to 12noon
Complaint Category	Broadcasting Act 2009 Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.1 and 4.2.

Complaint Summary

The complaint relates to a discussion about lifting Covid-19 public health restrictions with the founder and chair of Wetherspoons and an infectious diseases specialist, an RCSI Professor.

The complainant states that, during the discussion, one contributor referenced Professor Ioannidis of Stanford University and the presenter stated she did not know this person and she could not allow him to be quoted. The complainant also states that the other contributor said he did not know this person. The complainant finds it unbelievable this professor is not known to the presenter and the other contributor. The complainant believes they are ignorant or are deliberately choosing to ignore a statistic published by this professor because it does not fit with the broadcaster's narrative on this issue.

Broadcaster Response Summary

The broadcaster notes that, during the programme, one contributor referenced Professor Ioannidis' suggestion that for under-70s, Covid-19 is half as dangerous as flu. The broadcaster states that the contributor was allowed to finish his point in support of the professor and his views, and to give his opinions on policies for lifting the public health restrictions. The broadcaster noted the other programme contributor responded to the substance of the point and, consequently, a lack of knowledge of the professor was immaterial to the exchange.

The broadcaster states there is no requirement for presenters or contributors to be familiar with particular experts and the lack of knowledge of a particular expert does not constitute a breach of the requirements of the Broadcasting Act or the BAI's Codes.



Decision of Executive Complaints Forum

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

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, Rules 4.1 and 4.2. The Code requires current affairs content to be presented in an objective and impartial manner and the broadcast treatment of current affairs is fair to all interests concerned. In the treatment of news and current affairs, broadcasters are also required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability.

The Forum noted the discussion item in the programme was the re-opening of non-essential retail and hospitality in the UK and the possible re-opening options for Ireland. The discussion featured contributions from the founder and chair of a large pub chain in the UK and from a professor specialising in infectious diseases. Towards the end of the discussion, the former contributor referenced Professor Ioannidis of Stanford University and his statistic that Covid-19 is half as dangerous as the flu. The presenter said she did not know this Professor and expressed caution about using data from unknown sources. It appeared the other contributor was not aware of Professor Ioannidis or his work, but he was given an opportunity to give his opinion on the statistic provided.

The Forum noted the complainant's view that the presenter's and contributor's lack of knowledge of Professor Ioannidis and the choice to ignore his statistic on Covid-19 resulted in a lack of fairness, objectivity and impartiality in the programme.

In considering this complaint, the Forum noted the programme provided ample time to one of the contributors to express views that were critical of Covid-19 public health restrictions. The Forum noted the statistic referenced by the complainant was not ignored in the programme, but rather the relevant expert on the panel was asked by the presenter to respond to it with his opinion. The Forum notes there is no requirement in the Code for the presenter of a programme or any panel member to have knowledge of every expert on a given topic in order to meet the requirements of the Code. The Forum found that this lack of knowledge did not impact on the fairness, objectivity or impartiality of the overall programme.

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



Complaint Reference Number	C5506
Complainant	Sinead Cronnolly
Station	Classic Hits
Programme Name	The Colm & Lucy Breakfast Show
Broadcast Date	9 th April 2021
Broadcast Time	06:00
Programme Description	Light entertainment show, broadcast each weekday morning
Complaint Category	Broadcasting Act 2009 – Section 48(1)(b) (harm and offence) BAI Code of Programme Standards – Principles 3 and 6

Complaint Summary

The complaint concerns a discussion between the two presenters of the programme about the lifting of Covid-19 public health restrictions in Northern Ireland and Britain. The presenters discussed the possibility of going to a beer garden in Northern Ireland or going to London on a cheap flight for lunch and drinks and not having to quarantine on return. The complainant notes that no mention was made of travel restrictions in place in Ireland.

The complainant believes this conversation was irresponsible, harmful and against the public interest, in that it encouraged listeners to break the law and act contrary to Government and NPHET advice aimed at reducing the spread of Covid-19 and keeping people safe.

Broadcaster Response Summary

The broadcaster states that this conversation was a “tongue in cheek” response to the lifting of Covid-19 restrictions in the UK, which meant there were different restrictions applying to different parts of the island of Ireland. The broadcaster believes it is important its programming reflects a cross-section of listener views and, in this case, the programme reflected general topics of conversation in relation to public health restrictions and was conversational and light-hearted. The broadcaster states that the presenters did not suggest anyone should break the restrictions in place in this country.

Decision of Executive Complaints Forum

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

The Forum noted the complaint was submitted under the Code Programme Standards, Principles 3 and 6. The Code requires viewers and listeners be protected from harm and that broadcasters shall not broadcast anything likely to promote or incite to crime.

The Forum noted the content complained of was a short exchange between the two presenters of the programme, which highlighted that public health restrictions on pubs and restaurants in the UK were going to be lifted shortly. The presenters discussed the potential impact of this on Irish people, particularly people living near Northern Ireland, who were still living under the highest level of



restrictions. The presenters then called on listeners to let them know if they had plans to avail of the eased restrictions.

Principle 6 of the Code requires broadcasters not broadcast material likely to promote or incite to crime. The Forum noted the presenters discussed the possibilities of travelling to Northern Ireland or London to have a beer. One of the presenters speculated that people living near Northern Ireland would be likely to cross the border to have dinner and a drink and then travel home. One presenter also noted that there are flights for €15 to London, which would allow people to fly to London for lunch and have a few beers and come back to Ireland without having to quarantine. The presenters asked listeners if they had any plans to do any of these things. The Forum noted the conversation was a light-hearted take on different public health restrictions in place in Ireland and the UK and the practical difficulties in having different restrictions in the context of the Northern Ireland border and inexpensive travel between Ireland and Britain. The Forum noted the presenters did not call on listeners to do any of the actions discussed on the programme and could not identify a definite act of incitement in the programme.

In considering whether the content was harmful, the Forum noted that Principle 3 of the Code requires broadcasters not broadcast material that encourages people to imitate acts which are damaging to the health and safety of themselves or others. The Forum noted the presenters discussed their own willingness or comfort in breaking the travel restrictions to go to the UK or Northern Ireland and asked listeners if they had plans to do so, but the conversation did not include any encouragement to do these things. The Forum also had regard to certain contextual factors of the broadcast – the type of programme and the audience's expectations. The Forum noted this is an entertainment breakfast chat show that would normally feature such light exchanges between the presenters and the audience would expect such conversation, rather than a serious examination of the issues of the day. In this context, the Forum concluded the content was not harmful.

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



Complaint Reference Number	C5507
Complainant	Caroline O'Dwyer
Station	Virgin Media One
Programme Name	Ireland AM
Broadcast Date	1 st April 2021
Broadcast Time	09:45
Programme Description	News, interviews and lifestyle programme broadcast each weekday 7am – 10am and weekends from 9am to 12pm
Complaint Category	Broadcasting Act 2009 – Section 48(1)(b) (harm and offence) BAI Code of Code of Programme Standards – Principle 2

Complaint Summary

The complaint relates to comments made by a guest in conversation with the presenter.

The complainant states that while tasting cocktails, the guest asked the presenter if he liked a “sugary rim”. The complainant contends the guest said this several times and the presenter thought it was hilarious. The complainant found the language and innuendo offensive and inappropriate for broadcast on this programme and at this time of day.

Broadcaster Response Summary

The broadcaster notes the programme segment complained of was a cocktail-making demonstration that contained light-hearted exchanges between the presenter and the guest on the programme.

The broadcaster notes the channel, Virgin Media One, is not a children’s channel and the programme, Ireland: AM, is not a children’s programme. The broadcaster also notes the segment was broadcast during children’s schooltime.

The broadcaster is of the view that audience expectations for this segment would be such that the possibility of innuendo or banter of this nature would not be surprising or offensive.

The broadcaster noted the comment about making cocktails that had a sugary rim referred to what was being done at the time in the cocktail-making demonstration. The presenter picked up on a secondary meaning to this term, which refers to sex, and this caused him to laugh. The broadcaster notes the segment did not go any further than this and believes that, while most people would not have noticed it, those that did would not perceive the content as being out of context with this type of programme.

The broadcaster concludes that it does not believe the content crossed a line that resulted in undue offence or that it was in breach of Principle 2 of the Code of Programme Standards.



Decision of Executive Complaints Forum

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

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

The Forum noted the content was a short exchange between the presenter and a guest during a cocktail demonstration, in which the guest told the presenter the name of a non-alcoholic cocktail was "sugary rim". The presenter struggled not to laugh, having apparently noted the sexual innuendo in the term.

In considering whether the content was offensive and inappropriately broadcast, the Forum noted the Code recognises that matters which cause offence can differ from person to person and are largely subjective in nature and, consequently, there can be no guarantee that programme material will be free from offence and there is no right not to be offended. Broadcasters are required, however, to guide the audience in making informed choices by providing warnings and/or by scheduling programming appropriately, considering the nature of the programme, the broadcast channel, the time of broadcast and audience expectations. Broadcasters must not broadcast content that would cause undue offence, that is, programme material that could still be regarded as having crossed a line, having taken into account the relevant contextual factors.

The Forum noted there was one reference to sexual innuendo in the content and the presenter and guest did not discuss the term or make any explicit reference to sex, which means anyone watching who did not understand the term would not likely have been offended. The Forum noted the programme is aimed at an adult audience, is broadcast at a time when children are normally at school and is broadcast on a channel aimed at an adult audience. The Forum was of the view the segment was in keeping with the nature and style of this programme, which deals with adult-oriented matters and can take a light-hearted approach to lifestyle items. The Forum was also of the view the content was not out of step with the audience's expectations of the programme and the channel. On this basis, the Forum concluded that, while the segment may have caused offence to the complainant, it was unlikely to have caused undue offence, as it is described in the Code.

The Forum decided the programme had not infringed the relevant provisions of the Broadcasting Act, 2009 or the Code of Programme Standards. On this basis, the Forum rejected the complaint.



Complaint Reference Number	C5508
Complainant	Dermot Sweeney
Station	RTÉ Radio 1
Programme Name	News at One
Broadcast Date	12 th May 2021
Broadcast Time	13:00
Programme Description	News, sport, business and interviews, broadcast at 1pm each day
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) (Fairness, Objectivity and Impartiality in News and Current Affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.1 and 4.2

Complaint Summary

The complaint relates to an interview with the Israeli Ambassador to Ireland regarding the current conflict between Israel and Palestine.

The complainant believes that conducting an interview with the Israeli Ambassador and failing to feature someone representing the Palestinian perspective does a disservice to the listener and displays a lack of journalistic integrity. The complainant further believes the presenter did the bare minimum regarding the probity of his questioning and, with no one to offer countering viewpoints or rebuttals, the complainant maintains listeners were denied an honest discussion of the facts.

Broadcaster Response Summary

The broadcaster states that it is an established principle there is no statutory or regulatory requirement for balance and there is no requirement that both sides must be interviewed on a topic.

The broadcaster states that the coverage was not confined to the interview with the Israeli Ambassador - it was preceded by an interview with journalist based in Gaza, Fady Hanona, who reported on the impact of hundreds of Israeli strikes on civilians and infrastructure. The presenter followed this by asking the Israeli Ambassador to comment on the reports that he was told by the Minister for Foreign Affairs that civilian casualties were totally unacceptable. The broadcaster maintains the interview was probing and robust and the Ambassador was questioned and challenged repeatedly on the impact of strikes on the civilian population.

The broadcaster states that News at One is a news, rather than current affairs, programme, and the focus of interviews of this kind is generally on developing and probing the unfolding news events.

The broadcaster believes the programme was fully compliant with all the relevant statutory and regulatory obligations.



Decision of Executive Complaints Forum

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

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, Rules 4.1 and 4.2. The Code requires news to be presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability.

The Forum noted the news report comprised the presenter's introduction to the news item about the conflict in Israel and Palestine, a recorded interview with a journalist in Gaza to discuss the impact of the conflict on civilians and Gaza's infrastructure, and an interview with the Israeli Ambassador to Ireland to discuss the ongoing conflict.

In considering the complainant's view the programme failed to meet the requirements of the Code by not featuring a Palestinian representative, the Forum noted the Code does not require programmes to feature all viewpoints on an issue in order to be objective and impartial in its treatment of a subject. However, there is an expectation the presenter will ensure discussions of news and current affairs issues are not one-sided and that alternative perspectives are presented, including the views of those not in attendance insofar as appropriate and practical. In this regard, the Forum noted the interview with the journalist from Gaza prior to the interview with the Ambassador provided information on the impact of the conflict on people living in Gaza. In addition, the Forum was of the view the presenter's interview with the Ambassador was challenging and robust in asking probing questions on civilian casualties and asking him to account for the actions of the Israeli government and military. Taking the report in its entirety, the Forum found no evidence of a lack of objectivity or impartiality in the treatment of the subject.

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



Complaint Reference Number	C5511
Complainant	K. Lawler
Station	RTÉ Radio One
Programme Name	Brendan O'Connor Show
Broadcast Date	9 th May 2021
Broadcast Time	11:00
Programme Description	Light entertainment programme, with a mix of news, views and interviews, broadcast each Saturday and Sunday morning.
Complaint Category	Broadcasting Act 2009 – Section 48(1)(b) (harm and offence) BAI Code of Code of Programme Standards – Principles 3 and 5

Complaint Summary

The complaint concerns an interview with Professor Richard Dawkins on the programme.

The complainant states that Professor Dawkins expressed the view that if prospective parents know their unborn child will be disabled, the child should be aborted, as to keep the child would cause suffering in the world.

The complainant believes this amounted to hate speech against a minority group and that expressing a view that a minority of people with potential, talent and insight should be killed before birth because it might make life a bit more challenging for the rest of society is akin to ethnic cleansing. The complainant also states that the presenter offered little to no counterargument to the Professor's views. The complainant is of the view the content was insulting, could potentially stir up hatred against the disabled community and that the language used by the Professor was unjustified and there was no editorial justification for its use in the programme.

The complainant believes the broadcaster ought to make a formal apology to the disabled community for the distress caused by this broadcast.

Broadcaster Response Summary

The broadcaster notes the content complained of concerned a statement made by Professor Dawkins to a person who had posed an "ethical issue" to him on social media, that, in the event of an in-utero diagnosis of Down Syndrome, "It would be immoral to bring it into the world if you have the choice."

The broadcaster contends this statement was robustly challenged by the presenter who questioned the grounds for the assertion that this would be "immoral". The broadcaster notes the Professor initially stated that "immoral" had been too strong a word to use and, as the interview progressed, he retracted the phrasing entirely, admitting he had been wrong to bring morality into it, but arguing that his reasoning was based on a judgement that bringing people with disabilities into the world "would increase the amount of suffering". The broadcaster notes this viewpoint was also challenged by the presenter and under questioning, the Professor admitted he did not have a scientific basis for that

assertion and acknowledged that people “who are so-called ‘perfect’ cause suffering in the world as well”.

The broadcaster does not believe the interview constituted hate speech, citing the repeated challenges to the Professor’s views by the presenter and the fact the Professor retracted some of his statements.

The broadcaster contends the content was fully compliant with the broadcaster’s statutory and regulatory obligations.

Decision of Executive Complaints Forum

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

The Forum noted the complaint was submitted under the Code Programme Standards, Principles 3 and 5. The Code requires broadcasters to take due care to ensure audiences are not exposed to harmful content. The Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Forum noted the programme segment complained of was an interview with evolutionary biologist and author, Richard Dawkins, to discuss his book on making science accessible. The interview was wide-ranging in covering topics such as the Covid-19 pandemic, religion, truth and the evaluation of historical figures in a contemporary context. During the interview, the presenter raised the matter of a Twitter exchange involving Mr Dawkins concerning the morality of knowingly bringing a child into the world with Down’s Syndrome. The presenter noted the interviewee had tweeted “Abort it and try again. It would be immoral to bring it into the world if you have the choice”. The presenter questioned the interviewee about this view.

In considering whether the content was harmful, the Forum noted that the Code describes harmful material as material that has an “effect”, that is, content that causes, mental, psychological, or physical harm. The Forum also noted that, while protecting audiences from harmful content, broadcasters must still be free to make programmes that may be provocative, deal with sensitive issues and include robust debate. The Forum was of the view the opinions expressed by the interviewee on this issue could be regarded as provocative and controversial and may have caused offence to some listeners. The Forum also considered how the interviewee was challenged by the presenter on his views, to the extent that he conceded he did not know for certain that the amount of suffering in the world would increase if a child with Down’s Syndrome was brought into the world. Under the presenter’s questioning, the interviewee also took back his claim that it would be immoral for people not to have abortions where the foetus is diagnosed with a disability. The Forum noted this is a sensitive topic that could have an emotional impact on listeners but was of the view the programme handled the subject responsibly and challenged the ideas of the interviewee appropriately and in a manner that serves the public interest. Taking the programme in whole and in context, the Forum concluded the content was unlikely to have caused harm to the audience, as its is characterised in the Code.



In considering the complainant's view the content amounted to hate speech and could stir up hatred against people with disabilities, the Forum again noted the provocative and controversial ideas raised in the programme and acknowledged these ideas could cause offence. The Forum noted the interviewee's opinions on the issue were robustly challenged by the presenter and noted the interviewee said he wanted to stress that his views did not mean that people who have a child with Down's Syndrome should not love that child. The Forum found the interview was conducted in a respectful manner and there was no evidence of threatening, abusive or insulting language or sounds that would intend to stir up hatred or where it would be likely that hatred would be stirred up against people with disabilities.

The Forum decided the content had not infringed the relevant provisions of the Broadcasting Act 2009 or the Code of Programme Standards. On this basis, the Forum rejected the complaint.



Complaint Reference Number	C5516
Complainant	Bernard Mallee
Station	Newstalk 106 -108 FM
Programme Name	The Hard Shoulder
Broadcast Date	19 th May 2021
Broadcast Time	16:00 – 19:00
Programme Description	News and current affairs programme, which is broadcast daily from 4.00pm to 7.00pm
Complaint Category	Broadcasting Act 2009 – Section 48(1)(b) (harm and offence); BAI Code of Code of Programme Standards – Principle 1

Complaint Summary

The complaint concerns language used by the presenter to characterise the opinions of the complainant, who was an interviewee on the programme.

The complainant, a representative of the Irish Pharmaceutical Healthcare Association, states that during a promo for an interview he was to take part in, the presenter accused the complainant of talking, what he called, “BS” in relation to a point the industry made about waiving IP rights for Covid-19 vaccines. The complainant found this term to be offensive, outrageous and unprofessional and fell well below the standards of taste expected of a broadcaster.

Broadcaster Response Summary

The broadcaster states that The Hard Shoulder regularly features the presenter’s own views in authored segments on the programme. The broadcaster is satisfied the presenter offered his views in an appropriate manner and in keeping with the style of the programme and audience expectations. The broadcaster is satisfied the points raised by the complainant, who was interviewed on the programme, were explored during the discussion with the presenter on the programme.

Decision of Executive Complaints Forum

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

The Forum noted the complaint was submitted under Principle 1 of the Code Programme Standards, which requires broadcasters have due regard to the appropriateness of, and/or justification for, the inclusion of coarse and/or offensive language in programming.

The Forum noted the content comprised the following: a pre-recorded interview in which the interviewee made arguments against waiving the patent on Covid-19 vaccinations; presenter comments on those arguments; and an interview with a spokesperson for the Irish Pharmaceutical Health Association. The presenter’s comments were, *“I do wonder though, how many of you, like me, will remember only a few weeks ago being told by the pharmaceutical industry that there was absolutely no point in waiving intellectual property rights and allowing third parties to produce generic*



versions of their vaccine. Why, they said? Because it wouldn't actually increase the supply globally. Because retrofitting a factory or building a new factory, it would take years and it would cost hundreds of millions, so there's just no point in doing it. It's not about the money, it's just about practicality. That's what they said. Lo and behold, Pfizer are doing it. They're retrofitting a factory. They're doing it in a matter of months and it's going to cost them 32 million quid. In reality, the argument they made was BS three or four weeks ago and it's still BS today. It is all to do with money."

In considering whether the use of language by the presenter was contrary to the Code, the Forum noted the Code recognises that matters which cause offence can differ from person to person and are largely subjective in nature and, consequently, there can be no guarantee that programme material will be free from offence and there is no right not to be offended. Broadcasters are required, however, to guide the audience in making informed choices by providing warnings and/or by scheduling programming appropriately, considering the nature of the programme, the broadcast channel, the time of broadcast and audience expectations. Broadcasters must not broadcast content that would cause undue offence, that is, programme material that could still be regarded as having crossed a line, having taken into account the relevant contextual factors.

The Forum noted the term used by the presenter is an acronym of a coarse term and was used to strongly emphasise his point that arguments against waiving Covid-19 vaccine patents were not sincere. The Forum noted the programme is aimed at an adult audience and is broadcast on a channel with an adult audience and the upfront style and approach of the programme and its presenter are well established. In this context, the Forum was of the view the language used by the presenter was combative but in keeping with audience expectations of the programme. The Forum concluded that while the language may have caused offence to the complainant, it was unlikely to have caused undue offence, considering the context of the programme.

The Forum decided the programme had not infringed the relevant provisions of the Broadcasting Act 2009 or the Code of Programme Standards. On this basis, the Forum rejected the complaint.



Complaint Reference Number	C5517
Complainant	Vivion Herra
Station	RTÉ Radio 1
Programme Name	News at One
Broadcast Date	12 th May 2021
Broadcast Time	13:00
Programme Description	News, sport, business and interviews, broadcast at 1pm each day.
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) (Fairness, Objectivity and Impartiality in News and Current Affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.1 and 4.2

Complaint Summary

The complaint concerns an interview with the Israeli Ambassador to Ireland regarding the current conflict between Israel and Palestine.

The complainant believes that conducting an interview with the Israeli Ambassador and failing to feature someone representing the Palestinian perspective is not balanced reporting.

The complainant states that he contacted the Palestinian Ambassador and was informed the broadcaster had not contacted her. The complainant believes it is biased reporting by the broadcaster in presenting one side and not the other. The complainant is of the view the broadcaster ought to feature interviews with both representatives during prime-time broadcasting.

Broadcaster Response Summary

The broadcaster states that it is an established principle there is no statutory or regulatory requirement for balance and there is no requirement that both sides must be interviewed on a topic.

The broadcaster states that the interview with the Israeli Ambassador was preceded by an interview with journalist based in Gaza, Fady Hanona, who provided an 'on the ground' account of the impact of military strikes by Israel on the local population. The broadcaster states that this provided the context for the interview with the Israeli Ambassador, who was challenged throughout to account for his country's actions. The broadcaster maintains the interview was probing and robust and the Ambassador was questioned and challenged repeatedly on the impact of strikes on the civilian population.

The broadcaster states that there is no requirement to interview both Ambassadors and the fact that only one Ambassador was interviewed does not mean the programme breached any of the statutory or regulatory provisions. The broadcaster believes the programme was fully compliant with all the broadcaster's statutory and regulatory obligations.

Decision of Executive Complaints Forum

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

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, Rules 4.1 and 4.2. The Code requires news to be presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability.

The Forum noted the news report comprised the following: the presenter's introduction to the news item about the conflict in Israel and Palestine; a recorded interview with a journalist in Gaza to discuss the impact of the conflict on civilians and Gaza's infrastructure; and an interview with the Israeli Ambassador to Ireland to discuss the ongoing conflict.

In considering the complainant's view the programme failed to meet the requirements of the Code by not featuring a Palestinian representative, the Forum noted the Code does not require programmes to feature all viewpoints on an issue in order to be objective and impartial in its treatment of a subject. However, there is an expectation the presenter will ensure discussions of news and current affairs issues are not one-sided and that alternative perspectives are presented, including the views of those not in attendance insofar as appropriate and practical. In this regard, the Forum noted the interview with the journalist from Gaza prior to the interview with the Ambassador provided information on the impact of the conflict on people living in Gaza. In addition, the Forum was of the view the presenter's interview with the Ambassador was challenging and robust in asking probing questions on civilian casualties and asking him to account for the actions of the Israeli government and military. Taking the report in its entirety, the Forum found no evidence of a lack of objectivity or impartiality in the treatment of the subject.

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



Complaint Reference Number	C5518
Complainant	Liam Kerrigan
Station	RTÉ One
Programme Name	Prime Time
Broadcast Date	20 th April 2021
Broadcast Time	21:35
Programme Description	News and current affairs programme, broadcast each Tuesday and Thursday evening
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) (Fairness, Objectivity and Impartiality in News and Current Affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 17 and 19

Complaint Summary

The complaint concerns statistics on excess mortality which were broadcast on the programme.

The complainant is of the view the excess mortality statistics referenced on the programme were misleading and inaccurate, to the extent that the programme did not comply with the requirements of fairness, objectivity and impartiality.

Broadcaster Response Summary

The broadcaster is satisfied the figures broadcast in the programme were accurate and the programme was fair to all interests. The broadcaster states that it is entitled to select experts of its choosing and provide its analysis.

The broadcaster believes the programme did not infringe on any relevant statutory or regulatory provisions.

Decision of Executive Complaints Forum

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

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.17 and 4.19. The Code requires that news and current affairs content is presented with due accuracy and that views and facts are not misrepresented or presented in such a way as to render them misleading.

The Forum noted the complaint refers to a segment on the programme regarding the impact of Covid-19 on death rates in Ireland. The segment focused on excess mortality, a measure which compares overall deaths against the number of deaths that would normally be expected.



The Forum noted the complainant's view the statistics provided were misleading and inaccurate but found the complaint did not refer to any specific aspects of the content that were misleading or inaccurate. The Forum concluded the complaint had not made a case that the programme infringed rules 4.17 and 4.19 of the Code.

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



Complaint Reference Number	C5520
Complainant	Rory O'Donovan
Station	RTÉ Radio 1
Programme Name	Sunday with Miriam
Broadcast Date	16 th May 2021
Broadcast Time	10:00
Programme Description	Light entertainment programme featuring interviews with various personalities
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) (Fairness, Objectivity and Impartiality in News and Current Affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.1, 4.19 and 4.22

Complaint Summary

The complaint concerns a discussion with two guests in the context of an upcoming release of a documentary film, which features their role in the 2018 campaign to repeal the 8th Amendment to the Irish constitution.

Overall, the complainant believes the discussion with the two guests lacked objectivity and denied fairness to those who hold that pregnancy involves rights other than those of women.

The complainant states that during the discussion there were references to Savita Halappanavar as if the Eighth Amendment had been responsible for her death and this was not challenged nor was there any reference to the errors made by her medical team.

The complainant states that one guest made reference to having 'control of my own body' as a result of the repeal of the Eighth Amendment. The complainant is of the view there was no attempt in the programme to balance the discussion by pointing out the rights of “a second and genetically distinct body”.

The complainant also notes the interviewees were not asked to give their position regarding abortion in cases of disability, even though this subject arose in the discussion.

Broadcaster Response Summary

The broadcaster states that the context for this interview was the planned release of a documentary film, “The 8th” which deals with the campaign run by those who sought the repeal of the Eighth Amendment.

The broadcaster observes that it is an established principle that achieving fairness does not always require that both sides of an argument are presented. In this regard, the broadcaster notes this was not a discussion on the issues in the campaign *per se*, rather it was about the personal motivations and experiences of the two interviewees regarding the campaign.

The broadcaster also notes the presenter asked the two guests for their views on those who voted against repeal and who were opposed to abortion.

The broadcaster is of the view the interview was fully compliant with the broadcaster's statutory and regulatory obligations.

Decision of Executive Complaints Forum

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

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.19 and 4.22. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. Views and facts must not be misrepresented or presented in such a way as to render them misleading. Current affairs presenters must ensure the audience has access to a wide variety of views on a subject and must reflect the views of those who cannot or choose not to, participate in content.

The content complained of was an interview with two women who had been involved in the campaign to repeal the Eighth Amendment to the Irish Constitution 2018. The context of the interview was the upcoming release of a documentary about this campaign, which featured these two women.

In considering the complainant's view there was a lack of objectivity and fairness in the programme, the Forum noted the programme content was a discussion about the two women's personal experience of political activism and campaigning and it was not a panel discussion or debate about abortion generally. The subject was topical because a documentary about the political campaign to repeal the Eighth Amendment was due to be released and these two women featured in that documentary. The editorial approach to the programme was not to re-run or re-open broader debates about abortion that were had during the referendum campaign, but rather to interview these women about their experiences. The Code recognises that broadcasters have editorial freedom to choose the topics it wishes to cover, its editorial approach to covering those topics and to have contributors of its choice discuss those topics. The Forum was satisfied this was a legitimate editorial approach to the topic, the selection of contributors reflected that approach, and the programme offered an appropriate range of views on the topic.

In considering the complainant's view the contributors were not sufficiently challenged by the presenter, the Forum noted the Code does not require an adversarial approach to the treatment of current affairs or for contributors to be challenged on their personal experiences in order to ensure fairness, objectivity and impartiality in the content. In this regard, the Forum concluded the manner in which the contributors were interviewed was appropriate in the context of the subject matter of the programme.



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



Complaint Reference Number	C5521
Complainant	Donal McGrath
Station	RTÉ Radio 1
Programme Name	The Brendan O'Connor Show
Broadcast Date	22 nd May 2021
Broadcast Time	11:00
Programme Description	Light entertainment programme with a mix of news, views and interviews, broadcast each Saturday and Sunday morning
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) (Fairness, Objectivity and Impartiality in News and Current Affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.1, 4.2, 4.17 and 4.22

Complaint Summary

The complaint concerns an interview with President Higgins on his recently published book.

The complainant alleges actions taken by the President, in connection with a rental property of his that was sold, are inconsistent with the central theme of the President's book, which the complainant describes as, "to bridge the gap between the populace and elites and to promote a move away from neoliberalism to a more socially based society and economy". The complainant is of the view the presenter ought to have challenged the President on this apparent inconsistency.

Broadcaster Response Summary

The broadcaster states the interview with President Higgins was wide-ranging and the presenter and programme team have editorial freedom to determine the issues and topics they wish to focus on.

The broadcaster observes that the Code is not intended to govern perceptions of bias on the basis of topics or subject areas that were not covered in the programme and that a decision not to cover a particular event or news story is not *de facto* evidence of a lack of fairness, objectivity and impartiality.

The broadcaster believes the interview was fully compliant with all the statutory and regulatory requirements and there was no breach of the Broadcasting Act 2009 or the related BAI Codes.

Decision of Executive Complaints Forum

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

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.2, 4.17 and 4.22. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality;



accuracy and responsiveness; and transparency and accountability. Views and facts must not be misrepresented or presented in such a way as to render them misleading. Current affairs presenters must ensure the audience has access to a wide variety of views on a subject and must reflect the views of those who cannot or choose not to, participate in content.

The Forum noted the complaint refers to an interview with President Michael D. Higgins on his recently published book, 'Reclaiming the European Street', a collection of the President's Europe-themed speeches from 2016 to 2020, which cover a wide range of contemporary issues. The Forum noted the interview was wide-ranging and covered many topics, some of which are not matters of current debate or controversy. However, given the political background and current political role of the interviewee, the Forum was satisfied the Code of Fairness, Objectivity and Impartiality in News and Current Affairs was applicable to the content.

The Forum noted the complaint is largely concerned with the presenter not challenging the interviewee on an apparent inconsistency between the President's actions in relation to the sale of property belonging to him, and his public positions on the broader issues related to this. The Forum noted the Code recognises that broadcasters have editorial freedom to choose what topics they wish to cover and the editorial approach to those topics. In this instance, the interview covered a range of topics, but did not focus on the particular issue raised in this complaint. The Forum noted the Code does not require programmes to cover all aspects and viewpoints on a subject matter in order to meet the requirements of fairness, objectivity and impartiality. In this case, in the context of the interview as a whole, the Forum did not believe that a failure to raise this matter with the interviewee amounted to an infringement of the Code.

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



Complaint Reference Number	C5522
Complainant	Paraic Jackson
Station	RTÉ Radio 1
Programme Name	Morning Ireland
Broadcast Date	25 th May 2021
Broadcast Time	07:00
Programme Description	News and current affairs.
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) (Fairness, Objectivity and Impartiality in News and Current Affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rules 4.1, 4.2 and 4.22

Complaint Summary

The complaint concerns an interview with a representative from the National Women's Council of Ireland (NWCi).

The complainant states that the spokesperson from the NWCi was opposed to doctors in Ireland having the right to conscientiously object to carrying out abortions and in favour of extending of the 12-week gestation period during which abortions are currently permitted. The complainant notes that, in the context of the upcoming review of the legislation on terminations of pregnancy, both issues are likely to be the focus of lobby groups who are in favour of liberalising the existing law. The complainant states the programme did not present any dissenting views to those mentioned.

Broadcaster Response Summary

The broadcaster notes the interview with the Director of the National Women's Council of Ireland (NWCi) was a news item about the publication by NWCi of its research report on the availability of abortion services in the context of the upcoming review of the legislation on terminations.

The broadcaster maintains it was editorially appropriate to interview the Director of NWCi about the research report and the findings of the report.

The broadcaster states that the presenter challenged the interviewee on the points raised in the complaint, that is, the right of doctors to conscientious objection and any change to the 12-week limit.

The broadcaster states that there is no statutory or regulatory requirement to have a dissenting voice on every item and that the item was fully compliant with the BAI Code.

Decision of Executive Complaints Forum

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

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.2 and 4.22. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. Current affairs presenters must ensure the audience has access to a wide variety of views on a subject and must reflect the views of those who cannot or choose not to, participate in content.

The Forum noted the complaint refers to an interview with a representative of the National Women's Council of Ireland (NCWI) regarding the publication of a NWCI research report on the availability of abortion services. The context of the report publication was the third anniversary of the vote to repeal the Eighth Amendment to the Irish Constitution and the upcoming Government review of legislation on terminations.

In considering the complainant's view the programme did not include dissenting views to those of the interviewee, the Forum noted the Code does not require programmes feature all viewpoints on an issue in order to be fair, objective and impartial, however, presenters have a role in reflecting a range of views on a subject. In this regard, the Forum noted the presenter referenced the upcoming review of legislation on termination and questioned the interviewee on the right of doctors to conscientiously object to carrying out terminations. In relation to the 12-week limit on terminations, the presenter put it to the interviewee that voters in the referendum may have voted in favour of repeal based on this limit and may not be happy if this were to change without a public vote. The Forum was satisfied the presenter's questioning of the interviewee met the relevant requirements of fairness, objectivity and impartiality in the Code.

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



Complaint Reference Number	C5523
Complainant	Rory O'Callaghan
Station	RTÉ Radio 1
Programme Name	Saturday with Katie Hannon
Broadcast Date	12 th June 2021
Broadcast Time	13:00
Programme Description	Current affairs – discussion and debates on current Irish politics.
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) (Fairness, Objectivity and Impartiality in News and Current Affairs) BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rule 4.1

Complaint Summary

The complaint concerns a discussion about the airline, Stobart Air, having ceased operations.

The complainant claims the discussion did not include any challenge to the view that the Irish government should provide support to the aviation industry, despite such an action having a detrimental impact on efforts to solve the climate crisis. The complainant states that the presenter failed to challenge this narrative or raise potential environmental impacts and the programme did not feature anyone who raised the environmental implications of the proposal.

Broadcaster Response Summary

The broadcaster states that the item complained of concerned the breaking story of the collapse of Stobart Air and its implications for regional airports and the aviation sector. The broadcaster notes the discussion involved a range of contributors, including political representatives from a number of political parties, trade union representatives, a travel journalist and an airline CEO.

The broadcaster states that the focus of the discussion was the immediate impact of the collapse of this airline and it was not about the environmental aspects of the matter. The broadcaster notes there is no statutory or regulatory requirement that every aspect of an issue must be canvassed. The broadcaster references the BAI Guidance Notes for the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which provides that the omission of a viewpoint or perspective on a particular issue does not automatically result in unfairness and there is no requirement for broadcasters to cover every aspect of an item in order to achieve fairness.

The broadcaster again references the BAI Guidance Notes for the Code in relation to the range of perspectives included in the discussion panel. The Guidance Notes provide that broadcasters are entitled to explore an issue with a panel of their own choosing and that, in considering whether a complaint should be upheld, regard will be given to the programme content in its entirety.

The broadcaster believes the discussion was fully compliant with the relevant statutory and regulatory requirements.



Decision of Executive Complaints Forum

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

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

The content complained of was a panel discussion on the collapse of Stobart Air, which included some discussion about Government support for the aviation industry.

In considering the complainant's view the programme did not meet the requirements of the Code because it failed to include an environmental perspective on the subject, the Forum noted that broadcasters have editorial freedom in choosing the topics they wish to cover, the editorial approach to those topics, and to have contributors of their choice discuss those topics. In this instance, the Forum found the topic under discussion focused on the breaking story of the collapse of an airline and its impact on employees and customers and it was not about the environmental impact of the aviation industry. The Forum noted the Code does not require programmes to cover every aspect of a story or viewpoint on an issue in order to meet the requirements of fairness, objectivity and impartiality. The Forum was satisfied the editorial approach to this story was legitimate and the selection of contributors reflected that approach and offered an appropriate range of views on the subject matter under discussion.

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

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