



ÚDARÁS  
CRAOLACHÁIN  
NA hÉIREANN

BROADCASTING  
AUTHORITY  
OF IRELAND

**Broadcasting Authority of Ireland  
Broadcasting Complaints Decisions**

**April 2022**



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## **BAI Complaints Handling Process**

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

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

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

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



## Upheld In part by Compliance Committee

|                                   |  |
|-----------------------------------|--|
| <b>Complaint Reference Number</b> | <b>C5536</b>   |
| <b>Complainant</b>                | Louise Harrington, on behalf of Cork Traveller Women's Network   |
| <b>Station</b>                    | Red FM   |
| <b>Programme Name</b>             | Neil Prendeville Show  |
| <b>Broadcast Date</b>             | 16 <sup>th</sup> June 2021   |
| <b>Broadcast Time</b>             | 10.30am  |
| <b>Programme Description</b>      | Current affairs programme, broadcast weekday mornings.   |
| <b>Complaint Category</b>         | Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality);<br>BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1, 4.2, 4.17, 4.19 and 4.22;<br>Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and,<br>BAI Code of Programme Standards - Principles 2, 3 and 5. |

### Complaint Summary

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

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

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

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

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



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

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

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

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

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

#### **Broadcaster Response Summary**

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

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

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



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

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

#### **Decision of the Compliance Committee**

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

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

The Committee first considered whether the broadcast had infringed rules 4.1, 4.2, 4.17, 4.19 and 4.22 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. News and current affairs must be presented with due accuracy, having regard to the circumstances and facts known at the time. Views and facts shall not be misrepresented or presented in such a way as to render them misleading. Presenters are required to ensure there are a wide variety of views on a subject, facilitate the expression of contributor's opinions and reflect the views of those who cannot, or choose, not to participate in the programme.

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



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

The Committee then went on to consider whether the broadcast had infringed Principles 2, 3 and 5 of the BAI Code of Programme Standards. The Code recognises that offence may be caused solely by the programme itself or by virtue of the context in which the programme is viewed or because it is not in line with the audience's expectations. The Code requires broadcasters to take due care to ensure audiences are not exposed to harmful content and to provide adequate information to audiences to allow them to make informed choices about what they listen to and watch. The Code provides that the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity. The Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

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

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





## Rejected by Compliance Committee

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|-----------------------------------|--|
| <b>Complaint Reference Number</b> | C5541  |
| <b>Complainant</b>                | Anonymous  |
| <b>Station</b>                    | Clare FM   |
| <b>Programme Name</b>             | Morning Focus with Alan Morrissey  |
| <b>Broadcast Date</b>             | 12 <sup>th</sup> July 2021   |
| <b>Broadcast Time</b>             | 09:00  |
| <b>Programme Description</b>      | Latest news, entertainment and magazine style programme  |
| <b>Complaint Category</b>         | Broadcasting Act 2009 – Section 48(1)(b) (harm and offence)<br>BAI Code of Programme Standards – Principle 5 |

### Complaint Summary

The complaint concerns comments made on the programme in relation to the UEFA Euro 2020 Final between England and Italy.

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

### Broadcaster Response Summary

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

### Decision of the Compliance Committee

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

The complaint was made under Principle 5 of the BAI Code of Programme Standards, which provides that the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity. Principle 5 also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

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



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

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



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

#### **Complaint Summary**

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

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

#### **Broadcaster Response Summary**

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

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

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

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

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

### Decision of the Compliance Committee

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

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

The complaint was submitted under section 48(1)(a) of the Broadcasting Act 2009. The relevant legislative provision requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. The complaint was also submitted under rule 4.22 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which provides that current affairs presenters shall not express their own views such that a partisan position is advocated. In addition, presenters are required to ensure there are a wide variety of views on a subject, facilitate the expression of contributor's opinions and reflect the views of those who cannot, or choose, not to participate in the programme.

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

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

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



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

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

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



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

#### **Complaint Summary**

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

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

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

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

#### **Broadcaster Response Summary**

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

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

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



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

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

The broadcaster rejects the complainant's suggestion that the presenter engaged in hate speech or division or that he breached any BAI Codes.

#### **Decision of the Compliance Committee**

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

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

The complaint was submitted under rules 4.1, 4.2, 4.19, 4.20 and 4.22 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. Views and facts shall not be misrepresented or presented in such a way as to render them misleading. A significant mistake shall be acknowledged and rectified as speedily as possible, in an appropriate and proportionate manner. Current affairs presenters shall not express their own views such that a partisan position is advocated. In addition, presenters are required to ensure there are a wide variety of views on a subject, facilitate the expression of contributor's opinions and reflect the views of those who cannot, or choose, not to participate in the programme.

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



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

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

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

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

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

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

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





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

#### **Complaint Summary**

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

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

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

#### **Broadcaster Response Summary**

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

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

#### **Decision of the Compliance Committee**

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

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

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

The complaint was submitted under section 48(1)(a) of the Broadcasting Act 2009. The relevant legislative provision requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. The complaint was also submitted under rule 4.22 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which provides that news and current affairs must be presented with due accuracy, having regard to the circumstances and facts known at the time.

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

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

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

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



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



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| <b>Complaint Reference Number</b> | <b>C5574</b>   |
| <b>Complainant</b>                | Sean Wynne, on behalf of Gardasil Awareness Group  |
| <b>Station</b>                    | RTÉ One  |
| <b>Programme Name</b>             | Claire Byrne Live  |
| <b>Broadcast Date</b>             | 18 <sup>th</sup> October 2021  |
| <b>Broadcast Time</b>             | 22:30  |
| <b>Programme Description</b>      | Current affairs  |
| <b>Complaint Category</b>         | Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs);<br>BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1 and 4.2;<br>Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and,<br>BAI Code of Programme Standards – Principle 3. |

#### Complaint Summary

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

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

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

#### Broadcaster Response Summary

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

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

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



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

The broadcaster believes the broadcast was fully in compliance with all the statutory and regulatory provisions.

#### **Decision of the Compliance Committee**

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

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

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

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

The Committee was satisfied the opinions of the interviewee were clearly presented as such and the presenter appropriately challenged these views and sought the opinions of another contributor on them. The Committee observed that the Code does not require programmes to feature all viewpoints on an issue to be fair, objective and impartial in its treatment of a subject or for there to be an "artificial balance" of viewpoints. An example of artificial balance may be including the views of people who



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

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

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

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



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| <b>Complaint Reference Number</b> | <b>C5575</b>  |
| <b>Complainant</b>                | Mary Doran  |
| <b>Station</b>                    | Newstalk 106-108FM  |
| <b>Programme Name</b>             | The Pat Kenny Show  |
| <b>Broadcast Date</b>             | 13 <sup>th</sup> October 2021   |
| <b>Broadcast Time</b>             | 09:00   |
| <b>Programme Description</b>      | Current affairs analysis, human interest stories and light entertainment stories.   |
| <b>Complaint Category</b>         | Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs);<br>BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1;<br>Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and,<br>BAI Code of Programme Standards - Principle 5. |

#### **Complaint Summary**

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

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

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

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

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

#### **Broadcaster Response Summary**

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

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

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

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

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

#### **Decision of the Compliance Committee**

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

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

The complaint was submitted under section 48(1)(a) of the Broadcasting Act 2009 and rule 4.1 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views.

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

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

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



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

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

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

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

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

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

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

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



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

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



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

#### **Complaint Summary**

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

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

#### **Broadcaster Response Summary**

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

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

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

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

#### **Decision of the Compliance Committee**

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

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

The complaint was submitted under section 48(1)(a) of the Broadcasting Act 2009 and rule 4.1 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views.

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

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

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

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

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



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| <b>Complaint Reference Number</b> | <b>C5578</b>  |
| <b>Complainant</b>                | Katie Mangan  |
| <b>Station</b>                    | RTÉ One   |
| <b>Programme Name</b>             | Claire Byrne Live   |
| <b>Broadcast Date</b>             | 18 <sup>th</sup> October 2021   |
| <b>Broadcast Time</b>             | 22:30   |
| <b>Programme Description</b>      | Current affairs   |
| <b>Complaint Category</b>         | Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1 and 4.2. |

#### Complaint Summary

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

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

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

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

#### Broadcaster Response Summary

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

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

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

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

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

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

#### **Decision of the Compliance Committee**

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

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

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

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

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

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

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



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| <b>Complaint Reference Number</b> | <b>C5579</b>   |
| <b>Complainant</b>                | Peter O’Keeffe   |
| <b>Station</b>                    | RTÉ One  |
| <b>Programme Name</b>             | Claire Byrne Live  |
| <b>Broadcast Date</b>             | 18 <sup>th</sup> October 2021  |
| <b>Broadcast Time</b>             | 22:30  |
| <b>Programme Description</b>      | Current affairs  |
| <b>Complaint Category</b>         | Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs);<br>BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1<br>Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and,<br>BAI Code of Programme Standards – Principle 5. |

#### Complaint Summary

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

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

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

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

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

#### Broadcaster Response Summary

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



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

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

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

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

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

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

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

#### **Decision of the Compliance Committee**

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

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

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

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

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

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides that the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

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

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

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

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

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

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

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

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

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



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| <b>Complaint Reference Number</b> | <b>C5581</b>  |
| <b>Complainant</b>                | Bridget Leonard   |
| <b>Station</b>                    | RTÉ One   |
| <b>Programme Name</b>             | Claire Byrne Live   |
| <b>Broadcast Date</b>             | 18 <sup>th</sup> October 2021   |
| <b>Broadcast Time</b>             | 22:30   |
| <b>Programme Description</b>      | Current affairs   |
| <b>Complaint Category</b>         | Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs);<br>BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1;<br>Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and,<br>BAI Code of Programme Standards – Principle 5. |

#### Complaint Summary

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

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

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

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

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

#### Broadcaster Response Summary

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

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

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

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

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

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

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

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

#### **Decision of the Compliance Committee**

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

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

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

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

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

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides that the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

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

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

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

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

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

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

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

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

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



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| <b>Complaint Reference Number</b> | <b>C5583</b>   |
| <b>Complainant</b>                | Ciarán DeBrún  |
| <b>Station</b>                    | RTÉ One  |
| <b>Programme Name</b>             | Claire Byrne Live  |
| <b>Broadcast Date</b>             | 18 <sup>th</sup> October 2021  |
| <b>Broadcast Time</b>             | 22:30  |
| <b>Programme Description</b>      | Current affairs  |
| <b>Complaint Category</b>         | Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and,<br>BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1;<br>Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and,<br>BAI Code of Programme Standards – Principle 5. |

#### Complaint Summary

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

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

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

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

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

#### Broadcaster Response Summary

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



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

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

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

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

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

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

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

#### **Decision of the Compliance Committee**

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

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

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

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

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

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides that the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

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

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

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

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

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

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

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

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

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



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| <b>Complaint Reference Number</b> | <b>C5584</b>  |
| <b>Complainant</b>                | Rebecca Carbery   |
| <b>Station</b>                    | RTÉ One   |
| <b>Programme Name</b>             | Claire Byrne Live   |
| <b>Broadcast Date</b>             | 18 <sup>th</sup> October 2021   |
| <b>Broadcast Time</b>             | 22:30   |
| <b>Programme Description</b>      | Current affairs   |
| <b>Complaint Category</b>         | Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs);<br>BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1;<br>Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and,<br>BAI Code of Programme Standards – Principle 5. |

#### Complaint Summary

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

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

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

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

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

#### Broadcaster Response Summary

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

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

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

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

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

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

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

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

#### **Decision of the Compliance Committee**

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

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

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

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

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

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides that the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

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

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

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

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



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

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

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

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

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



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| <b>~Complaint Reference Number</b> | <b>C5586</b>   |
| <b>Complainant</b>                 | Eszter Kenez   |
| <b>Station</b>                     | RTÉ One  |
| <b>Programme Name</b>              | Claire Byrne Live  |
| <b>Broadcast Date</b>              | 18 <sup>th</sup> October 2021  |
| <b>Broadcast Time</b>              | 22:30  |
| <b>Programme Description</b>       | Current affairs  |
| <b>Complaint Category</b>          | Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs);<br>BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1 and 4.2;<br>Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and,<br>BAI Code of Programme Standards – Principle 5. |

#### Complaint Summary

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

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

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

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

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





#### **Broadcaster Response Summary**

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

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

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

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

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

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

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

#### **Decision of the Compliance Committee**

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

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

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

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

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

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides that the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

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

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

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

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

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

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



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| <b>Complaint Reference Number</b> | <b>C5587</b>  |
| <b>Complainant</b>                | Malgorzata KroczeK  |
| <b>Station</b>                    | RTÉ One   |
| <b>Programme Name</b>             | Claire Byrne Live   |
| <b>Broadcast Date</b>             | 18 <sup>th</sup> October 2021   |
| <b>Broadcast Time</b>             | 22:30   |
| <b>Programme Description</b>      | Current affairs   |
| <b>Complaint Category</b>         | Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs);<br>BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1;<br>Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and,<br>BAI Code of Programme Standards – Principle 5. |

#### Complaint Summary

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

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

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

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

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

#### Broadcaster Response Summary

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

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

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

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

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

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

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

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

#### **Decision of the Compliance Committee**

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

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

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

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

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

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides that the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

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

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

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

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

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

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

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

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

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



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| <b>Complaint Reference Number</b> | <b>C5588</b>  |
| <b>Complainant</b>                | Eoin Cleary   |
| <b>Station</b>                    | RTÉ One   |
| <b>Programme Name</b>             | Claire Byrne Live   |
| <b>Broadcast Date</b>             | 18 <sup>th</sup> October 2021   |
| <b>Broadcast Time</b>             | 22:30   |
| <b>Programme Description</b>      | Current affairs   |
| <b>Complaint Category</b>         | Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs);<br>BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1;<br>Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and,<br>BAI Code of Programme Standards – Principle 5. |

#### Complaint Summary

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

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

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

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

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





### **Broadcaster Response Summary**

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

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

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

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

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

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

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

### **Decision of the Compliance Committee**

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

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

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

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

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

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides that the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

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



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

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

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

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

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



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| <b>Complaint Reference Number</b> | <b>C5590</b>   |
| <b>Complainant</b>                | Ciaran Browne  |
| <b>Station</b>                    | RTÉ One  |
| <b>Programme Name</b>             | Claire Byrne Live  |
| <b>Broadcast Date</b>             | 18 <sup>th</sup> October 2021  |
| <b>Broadcast Time</b>             | 22:30  |
| <b>Programme Description</b>      | Current affairs  |
| <b>Complaint Category</b>         | Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs);<br>BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1 and 4.2;<br>Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and,<br>BAI Code of Programme Standards – Principle 5. |

#### Complaint Summary

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

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

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

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

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

#### Broadcaster Response Summary

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

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

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

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

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

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

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

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

#### **Decision of the Compliance Committee**

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

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

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

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

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

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides that the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

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

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

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

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

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

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

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

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

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



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| <b>Complaint Reference Number</b> | <b>C5591</b>  |
| <b>Complainant</b>                | Marie Flaherty  |
| <b>Station</b>                    | RTÉ One   |
| <b>Programme Name</b>             | Claire Byrne Live   |
| <b>Broadcast Date</b>             | 18 <sup>th</sup> October 2021   |
| <b>Broadcast Time</b>             | 22:30   |
| <b>Programme Description</b>      | Current affairs   |
| <b>Complaint Category</b>         | Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs);<br>BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1;<br>Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and,<br>BAI Code of Programme Standards – Principle 5. |

#### Complaint Summary

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

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

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

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

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





#### **Broadcaster Response Summary**

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

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

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

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

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

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

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

#### **Decision of the Compliance Committee**

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

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

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

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

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

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides that the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

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

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

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

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

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

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



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| <b>Complaint Reference Number</b> | <b>C5592</b>   |
| <b>Complainant</b>                | Noreen O'Connell   |
| <b>Station</b>                    | RTÉ One  |
| <b>Programme Name</b>             | Claire Byrne Live  |
| <b>Broadcast Date</b>             | 18 <sup>th</sup> October 2021  |
| <b>Broadcast Time</b>             | 22:30  |
| <b>Programme Description</b>      | Current affairs  |
| <b>Complaint Category</b>         | Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs);<br>BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1 and 4.2;<br>Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and,<br>BAI Code of Programme Standards – Principle 5. |

### Complaint Summary

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

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

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

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

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



#### **Broadcaster Response Summary**

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

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

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

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

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

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

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

#### **Decision of the Compliance Committee**

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

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

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

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

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

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides that the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

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



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

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

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

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

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



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| <b>Complaint Reference Number</b> | <b>C5593</b>  |
| <b>Complainant</b>                | Krystian KroczeK  |
| <b>Station</b>                    | RTÉ One   |
| <b>Programme Name</b>             | Claire Byrne Live   |
| <b>Broadcast Date</b>             | 18 <sup>th</sup> October 2021   |
| <b>Broadcast Time</b>             | 22:30   |
| <b>Programme Description</b>      | Current affairs   |
| <b>Complaint Category</b>         | Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs);<br>BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1;<br>Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and,<br>BAI Code of Programme Standards – Principle 5. |

#### Complaint Summary

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

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

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

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

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

#### Broadcaster Response Summary

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



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

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

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

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

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

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

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

#### **Decision of the Compliance Committee**

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

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

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

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

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

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides that the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

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

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

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

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

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

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

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

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

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



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| <b>Complaint Reference Number</b> | <b>C5594</b>  |
| <b>Complainant</b>                | Christian Bolte   |
| <b>Station</b>                    | RTÉ One   |
| <b>Programme Name</b>             | Claire Byrne Live   |
| <b>Broadcast Date</b>             | 18 <sup>th</sup> October 2021   |
| <b>Broadcast Time</b>             | 22:30   |
| <b>Programme Description</b>      | Current affairs   |
| <b>Complaint Category</b>         | Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs);<br>BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1;<br>Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and,<br>BAI Code of Programme Standards – Principle 5. |

#### Complaint Summary

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

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

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

#### Broadcaster Response Summary

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

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

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

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

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

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

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

#### **Decision of the Compliance Committee**

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

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

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

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

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

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

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides that the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

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

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



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| <b>Complaint Reference Number</b> | <b>C5602</b>   |
| <b>Complainant</b>                | Catherine Mellerick  |
| <b>Station</b>                    | RTÉ One  |
| <b>Programme Name</b>             | Claire Byrne Live  |
| <b>Broadcast Date</b>             | 18 <sup>th</sup> October 2021  |
| <b>Broadcast Time</b>             | 22:30  |
| <b>Programme Description</b>      | Current affairs  |
| <b>Complaint Category</b>         | Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs);<br>BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1 and 4.2;<br>Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and,<br>BAI Code of Programme Standards – Principle 5. |

#### Complaint Summary

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

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

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

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

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



#### **Broadcaster Response Summary**

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

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

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

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

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

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

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

#### **Decision of the Compliance Committee**

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

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



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

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

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

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides that the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

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



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

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

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

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

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



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| <b>Complaint Reference Number</b> | <b>C5624</b>  |
| <b>Complainant</b>                | Michael Milmoe  |
| <b>Station</b>                    | RTÉ One   |
| <b>Programme Name</b>             | Claire Byrne Live   |
| <b>Broadcast Date</b>             | 18 <sup>th</sup> October 2021   |
| <b>Broadcast Time</b>             | 22:30   |
| <b>Programme Description</b>      | Current affairs   |
| <b>Complaint Category</b>         | Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs);<br>BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1;<br>Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and,<br>BAI Code of Programme Standards – Principle 5. |

#### Complaint Summary

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

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

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

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

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

#### Broadcaster Response Summary

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

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

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

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

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

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

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

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

#### **Decision of the Compliance Committee**

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

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

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

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

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

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides that the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

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

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

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

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

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

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

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

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

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



## Rejected by Executive Complaints Forum

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| <b>Complaint Reference Number</b> | <b>C5549</b>   |
| <b>Complainant</b>                | Paul O'Mahony  |
| <b>Station</b>                    | RTÉ Radio 1  |
| <b>Programme Name</b>             | News at One  |
| <b>Broadcast Date</b>             | 6 <sup>th</sup> August 2021  |
| <b>Broadcast Time</b>             | 13:00  |
| <b>Programme Description</b>      | Daily news and current affairs programme   |
| <b>Complaint Category</b>         | Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs)<br>BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.2 |

### Complaint Summary

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

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

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

### Broadcaster Response Summary

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

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

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

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

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

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

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

#### **Decision of Executive Complaints Forum**

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

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

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

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





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

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



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| <b>Complaint Reference Number</b> | <b>C5550</b>  |
| <b>Complainant</b>                | Liam Doran  |
| <b>Station</b>                    | Q102  |
| <b>Programme Name</b>             | Breakfast with Aidan and Venetia  |
| <b>Broadcast Date</b>             | 14 <sup>th</sup> September 2021   |
| <b>Broadcast Time</b>             | 07:00 – 10:00   |
| <b>Programme Description</b>      | Information, news, traffic and music show   |
| <b>Complaint Category</b>         | Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs).<br>BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1<br>Broadcasting Act 2009 - Section 48(1)(b) (harm and offence)<br>BAI Code of Programme Standards – Principle 6 |

#### Complaint Summary

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

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

#### Broadcaster Response Summary

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

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

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

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



#### **Decision of Executive Complaints Forum**

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

The Forum noted the complaint was submitted under rule 4.1 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which requires current affairs to be presented in an objective and impartial manner and without any expression of the broadcaster's own views. The complaint was also submitted under Principle 6 of the Code of Programme Standards, which provides that the public interest can be adversely affected by the omission of material and/or the inadequate representation of information or viewpoints.

The broadcast was a current affairs analysis and discussion with a political columnist, which covered the results of recent polls on political parties and their leaders and the appointment of Katherine Zappone to a UN role and the resulting vote of no confidence in the Minister put forward by Sinn Féin.

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

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



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

#### Complaint Summary

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

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

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

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

#### Broadcaster Response Summary

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

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

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

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

#### **Decision of Executive Complaints Forum**

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

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

The complaint was submitted under rule 4.22 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which provides that current affairs presenters shall ensure the audience has access to a wide variety of views on a subject and shall not express their own views such that a partisan position is advocated. The Forum noted the complaint did not set out a case as to how the broadcast infringed this rule in the Code and, on this basis, the Forum rejected this part of the complaint.

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

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



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

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

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

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



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| <b>Complaint Reference Number</b> | <b>C5554</b>   |
| <b>Complainant</b>                | Stephen Flood  |
| <b>Station</b>                    | FM104  |
| <b>Programme Name</b>             | FM104 News   |
| <b>Broadcast Date</b>             | 2 <sup>nd</sup> October 2021   |
| <b>Broadcast Time</b>             | 15:00  |
| <b>Programme Description</b>      | News Bulletin  |
| <b>Complaint Category</b>         | Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs)<br>BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1 |

#### Complaint Summary

The complaint concerns a news story about the Texas Heartbeat Act, which increased restrictions on abortion provision in Texas, USA.

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

#### Broadcaster Response Summary

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

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

#### Decision of Executive Complaints Forum

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

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



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

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

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





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

#### Complaint Summary

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

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

#### Broadcaster Response Summary

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

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

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

### Decision of Executive Complaints Forum

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

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

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

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

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

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



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

#### **Complaint Summary**

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

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

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

#### **Broadcaster Response Summary**

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

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

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

### Decision of Executive Complaints Forum

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

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

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

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

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

The complaint was also submitted under Principle 5 of the Code Programme Standards, which provides that the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity. This Principle also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Forum considered whether the broadcast contained incendiary, divisive and discriminatory content.

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



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

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



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| <b>Complaint Reference Number</b> | <b>C5564</b>   |
| <b>Complainant</b>                | Diarmuid Collins   |
| <b>Station</b>                    | RTÉ Radio 1  |
| <b>Programme Name</b>             | Liveline   |
| <b>Broadcast Date</b>             | 6 <sup>th</sup> October 2021   |
| <b>Broadcast Time</b>             | 14:45  |
| <b>Programme Description</b>      | Live phone in programme covering various topics  |
| <b>Complaint Category</b>         | Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality);<br>BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rule 4.1;<br>Broadcasting Act 2009 - Section 48(1)(b) (harm and offence);<br>BAI Code of Programme Standards - Principle 5. |

#### **Complaint Summary**

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

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

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

#### **Broadcaster Response Summary**

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

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

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

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

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

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

#### **Decision of Executive Complaints Forum**

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

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

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

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

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

The Forum noted the complaint was also submitted under Principle 5 of the Code Programme Standards, which requires that the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity. The Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

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

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





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

#### **Complaint Summary**

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

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

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

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

#### **Broadcaster Response Summary**

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

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

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



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

#### **Decision of Executive Complaints Forum**

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

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

The complaint was submitted under Principle 5 of the Code of Programme Standards, requires that the manner in which persons and groups in society are represented shall be appropriate and justifiable and not prejudice respect for human dignity. The Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

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

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



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

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



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

#### **Complaint Summary**

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

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

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

#### **Broadcaster Response Summary**

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

The broadcaster does not accept that reading the letter on-air amounted to incitement to hatred as claimed by the complainant or that it breached any Irish law or BAI Code.

#### **Decision of Executive Complaints Forum**

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

The broadcast contained an item where the presenter read out a letter from a listener which expressed the listener's concerns about people who are vaccinated against Covid-19 socially mixing

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

The Forum noted the complaint was submitted under Principle 5 of the Code Programme Standards. The Code requires that the manner in which persons and groups in society are represented shall be appropriate and justifiable and not prejudice respect for human dignity. The Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

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

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

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

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



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

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



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

#### **Complaint Summary**

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

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

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

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

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

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

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

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

#### **Broadcaster Response Summary**

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

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

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

#### **Decision of Executive Complaints Forum**

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

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

The complaint was submitted under rules 4.19 and 4.22 and 4.23 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs ("the News and Current Affairs Code"), which provides that views and facts must not be misrepresented or presented in such a way as to render them misleading. Current affairs presenters shall ensure the audience has access to a wide variety



of views on a subject and shall not express their own views such that a partisan position is advocated. The News and Current Affairs Code also provides that ‘personal view’ or ‘authored’ current affairs segments or programmes are permitted but must comply with the statutory obligations to be impartial, objective and fair to all interests concerned.

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

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

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

The complaint is also submitted under Principles 2, 3 and 5 of the Code Programme Standards. The Code of Programme Standards recognises that offence may be caused solely by the programme itself or by virtue of the context in which the programme is viewed or because it is not in line with the audience’s expectations. Broadcasters are required to take due care to ensure audiences are not exposed to harmful content and to provide adequate information to audiences to allow them to make informed choices about what they listen to and watch. The Code of Programme Standards provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

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

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

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

The Code of Programme Standards recognises that matters which cause offence can differ from person to person and are largely subjective in nature and, consequently, there can be no guarantee that programme material will be free from offence and there is no right not to be offended. Broadcasters are required, however, to guide the audience in making informed choices by providing warnings and/or by scheduling programming appropriately, taking into account the nature of the programme, the broadcast channel, the time of broadcast and audience expectations. Broadcasters must not broadcast content that would cause undue offence, that is, programme material that could still be regarded as having crossed a line, having taken into account the relevant contextual factors. The Code of Programme Standards regards harm as being less subjective than offence and harmful content is that which causes, mental, psychological or physical harm.

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

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

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



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

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



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| <b>Complaint Reference Number</b> | <b>C5569</b>   |
| <b>Complainant</b>                | Bridget Leonard  |
| <b>Station</b>                    | Midlands 103   |
| <b>Programme Name</b>             | Breakfast with Ann Marie   |
| <b>Broadcast Date</b>             | 21 <sup>st</sup> October 2021  |
| <b>Broadcast Time</b>             | 06:30-09:00am  |
| <b>Programme Description</b>      | News Bulletin during this magazine style programme which covers news, views and interviews.  |
| <b>Complaint Category</b>         | Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs);<br>BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1, 4.2 and 4.22;<br>Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and,<br>BAI Code of Programme Standards – Principle 5. |

#### Complaint Summary

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

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

#### Broadcaster Response Summary

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

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



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

#### **Decision of Executive Complaints Forum**

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

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

The complaint was submitted under rules 4.1, 4.2 and 4.22 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires news items be presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of news, broadcasters shall comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. The Code also provides that current affairs presenters shall ensure the audience has access to a wide variety of views on a subject and shall not express their own views such that a partisan position is advocated.

The Forum noted the news bulletin included the opinion of an academic expert on the use of Covid-19 vaccination certificates in the context of the Government lifting the restrictions on people who are not vaccinated from entering bars and restaurants and the re-opening of nightclubs and live venues. The Forum was of the opinion that it is editorially legitimate to include the opinion of a relevant expert on a matter of public health policy. The Forum believed the audience would have understood that this was the opinion of a relevant expert and would not have been misled by the broadcast on the news story. The Forum found no basis to believe the broadcast was not objective or impartial.

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

The complaint was submitted under Principle 5 of the Code of Programme Standards, which requires that the manner in which persons and groups in society are represented shall be appropriate and justifiable and not prejudice respect for human dignity. The Code of Programme Standards also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

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



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

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



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| <b>Complaint Reference Number</b> | <b>C5571</b>   |
| <b>Complainant</b>                | Bridget Leonard  |
| <b>Station</b>                    | RTÉ One  |
| <b>Programme Name</b>             | The Today Show   |
| <b>Broadcast Date</b>             | 2 <sup>nd</sup> November 2021  |
| <b>Broadcast Time</b>             | 16:30  |
| <b>Programme Description</b>      | Magazine style programme   |
| <b>Complaint Category</b>         | Broadcasting Act 2009 - Section 48(1)(b) (harm and offence);<br>BAI Code of Programme Standards – Principle 5. |

#### **Complaint Summary**

The complaint concerns a segment of the programme in which a psychotherapist was providing advice on relationship issues sent in by programme viewers.

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

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

#### **Broadcaster Response Summary**

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

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

The broadcaster is of the view that a conversation of the kind in the broadcast does not constitute hate speech or discrimination and that people are entitled to discuss the question of vaccination status in the manner it was discussed in the programme.

#### **Decision of Executive Complaints Forum**

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

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



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

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

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

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





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

#### **Complaint Summary**

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

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

#### **Broadcaster Response Summary**

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

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

The broadcaster does not accept that this item infringed any provision of the Broadcasting Act 2009 or related BAI Code.

#### **Decision of Executive Complaints Forum**

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

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

The Forum noted the complaint was submitted under Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.2, 4.19, 4.21 and 4.29. The Code requires current affairs to be presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of current affairs, broadcasters shall comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. Views and facts must not be misrepresented or presented in such a way as to render them misleading. News presenters and reporters may not express their own views on matters of public controversy or the subject of current public debate. The Code also provides that broadcasters shall have due regard to guidance in respect of legal requirements under this Code.

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

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

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

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



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



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

#### **Complaint Summary**

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

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

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

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

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

#### **Broadcaster Response Summary**

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



The broadcaster does not accept that this item infringed any provision of the Broadcasting Act 2009 or related BAI Codes.

#### **Decision of Executive Complaints Forum**

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

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

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

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

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

The complaint was submitted under Principle 6 of the Code of Programme Standards, which provides that the public interest can be adversely affected by the omission of material and/or the inadequate representation of information or viewpoints in a broadcast. The complaint was also submitted under a section of the Broadcasting Act 2009 which provides that broadcasters shall not broadcast anything



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

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

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



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| <b>Complaint Reference Number</b> | <b>C5596</b>   |
| <b>Complainant</b>                | Bridget Leonard  |
| <b>Station</b>                    | Virgin Media One   |
| <b>Programme Name</b>             | The Tonight Show   |
| <b>Broadcast Date</b>             | 19 <sup>th</sup> October 2021  |
| <b>Broadcast Time</b>             | 22:00  |
| <b>Programme Description</b>      | Current affairs style programme  |
| <b>Complaint Category</b>         | Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and,<br>BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1;<br>Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and,<br>BAI Code of Programme Standards – Principle 6. |

#### **Complaint Summary**

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

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

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

#### **Broadcaster Response Summary**

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

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

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



The broadcaster does not accept that this item infringed any provision of the Broadcasting Act 2009 or related BAI Codes.

#### **Decision of Executive Complaints Forum**

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

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

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

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

The complaint was submitted under Principle 6 of the Code of Programme Standards, which provides that the public interest can be adversely affected by the omission of material and/or the inadequate representation of information or viewpoints in a broadcast. The complaint was also submitted under a section of the Broadcasting Act 2009 which provides that broadcasters shall not broadcast anything which may reasonably be regarded as causing harm or offence, or as being likely to promote, or incite to, crime or as tending to undermine the authority of the State.

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





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



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

#### **Complaint Summary**

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

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

#### **Broadcaster Response Summary**

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

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

The broadcaster does not accept that this news item infringed any provision of the Broadcasting Act 2009 or related BAI Code.



#### **Decision of Executive Complaints Forum**

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

The broadcast was a news report describing some of the results of a poll in relation to Covid-19 published in a national Sunday newspaper.

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

The Forum noted the report mentioned the polling company, the newspaper that published the poll and when the polling interviews took place. The Forum found no reference in the report to the numbers of people polled and no evidence in the broadcast to suggest listeners would have been misled about the numbers polled.

The Forum noted the report provided some polling results on people's views as to whether there ought to be restrictions for people who are not vaccinated against Covid-19. The data was presented in a factual manner, with no expression of the reporter's views. The Forum found no evidence in the broadcast to suggest a lack of objectivity or impartiality.

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



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

#### **Complaint Summary**

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

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

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

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

#### **Broadcaster Response Summary**

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

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

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

The broadcaster does not accept that this item infringed any provision of the Broadcasting Act 2009 or related BAI Code.

### Decision of Executive Complaints Forum

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

The broadcast was a report on the Government mica redress scheme for homeowners in Donegal and included exchanges between the programme presenter and reporter, recorded interviewees with people affected by the mica issue and comments from listeners read out by the presenter.

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

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

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

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