



ÚDARÁS
CRAOLACHÁIN
NA hÉIREANN

BROADCASTING
AUTHORITY
OF IRELAND

**Broadcasting Authority of Ireland
Broadcasting Complaints Decisions**

February 2023



Contents

[BAI Complaints Handling Process.....3](#)

Rejected by the Compliance Committee

[C5712: Colette Colfer: RTÉ Radio 1: Morning Ireland: 15th June 2022..... 4](#)

[C5713: Karl Martin: RTÉ Radio 1: Morning Ireland: 15th June 2022 7](#)

Rejected by the Executive Complaints Forum.....

[C5719: Aidan Tobin: RTÉ Radio 1: The Brendan O'Connor Show: 14th August 2022..... 10](#)

[C5720: Karl Martin: RTÉ One: Prime Time: 26th July 2022 13](#)

[C5722: Sandra Adams: RTÉ Radio One: This Week: 14th August 2022..... 15](#)

[C5721: Seamus Ó Mathuna: RTÉ One: Six One News: 12th July 2022 18](#)



BAI Complaints Handling Process

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

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

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

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

During the period September to November 2022, the Compliance Committee considered and rejected six (6) complaints. The Executive Complaints Forum considered and rejected four (4) complaints.

The decisions of the Compliance Committee were reached at a meeting held on 7th September 2022. The decisions of the Executive Complaints Forum were reached at meetings held on 20th September, October 4th and November 8th 2022.

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



Rejected by Compliance Committee

Complaint Reference Number	C5712
Complainant	Colette Colfer
Station	RTÉ Radio 1
Programme Name	Morning Ireland
Broadcast Date	15 th June 2022
Broadcast Time	08:53
Programme Description	News and current affairs programme broadcast each weekday morning.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1 and 4.2.

Complaint Summary

The complaint concerns a segment of the broadcast covering the story of Dublin Pride ending their media partnership with RTÉ as a result of discussions across three Liveline broadcasts over three days on the 9th, 10th and 13th June.

The complainant states that the crux of the complaint is that the broadcast was not fair to the contributors to the Liveline programmes who “do not subscribe to gender identity theory”.

The complainant contends that the Morning Ireland broadcast inaccurately characterised the discussions on the Liveline broadcasts as being about the transgender community. The complainant believes the discussions on Liveline were broader than that, referencing her own contribution to the programme in which she spoke about “the impact of gender identity theory on everyone in Irish society”. The complainant believes the relevant segment on Morning Ireland is not objective, impartial or accurate in how it described the discussions on Liveline.

The complainant maintains there was inaccuracy in the Morning Ireland broadcast when one contributor stated that the Liveline discussions ran for three to four days. The complainant notes that there were three programmes broadcast over three separate days.

The complainant believes it was inaccurate for a contributor to the Morning Ireland broadcast to say that the very existence of trans people was being debated. The complainant states that no contributor to the Liveline programme said that trans people should not, or do not, exist. The complainant believes that it was in breach of the BAI Code for this point to be broadcast, unchallenged and unquestioned, in a pre-recorded report.

The complainant contends that a contributor gave an unfair and inaccurate portrayal of the views of those who spoke on the Liveline broadcasts when she said that “a lot of the so-called debate is not about concern for the trans community or for women, for that matter”. The complainant believes that



this suggests women who are concerned about the “erasure” of the word woman are only using it as an excuse to mask an anti-trans agenda. The complainant suggests that this would mean no woman would be able to raise concerns about the impact of removing the word ‘woman’ because it would be construed as anti-trans and not a genuine concern. The complainant believes this is not fair to all interests concerned.

Broadcaster Response Summary

The broadcaster states that the relevant segment on Morning Ireland relating to the statement by Dublin Pride that it was ending its media partnership with RTÉ was announced the evening beforehand. It was covered on Morning Ireland and later during other broadcasts throughout the day as the story unfolded. The broadcaster states that the reason Dublin Pride gave for this move was that it was unhappy with the nature of discussions that covered topics of concern to the trans community in Ireland, which took place on Liveline over several days on 9th, 10th and 13th June.

The broadcaster states that the item on Morning Ireland reported on the reaction and views of various groups in response to the Liveline programmes. The broadcaster notes that there is an established audience expectation that, as a rolling radio news programme, Morning Ireland will feature different formats, which sometimes include discussion and debate between different contributors, one-to-one interviews with a guest or news reports with reporters that bring together the key points from a story. The broadcaster maintains that this item was not, and did not purport to be, an analysis or discussion of the views aired on Liveline and that it was clear to listeners this was a short news report arising from a statement issued by Dublin Pride the previous evening. The broadcaster states that the reporter set out the views as expressed by Dublin Pride about RTÉ having "given a platform" to a discussion that concerned the trans community in Ireland. The report went on to say how Dublin Pride said it "expects better from RTÉ" and that as a result it had now "announced the termination of its media partnership with RTÉ".

The broadcaster maintains that the representative of Trans Equality Network Ireland (TENI) on the Morning Ireland broadcast confirmed that the Dublin Pride statement also accurately reflected its views of the Liveline programmes. The broadcaster believes it was editorially appropriate to report those views, particularly in the context of a news report concerning an RTÉ programme. The broadcaster maintains that this broadcast accurately and factually reported the views of these representatives. The broadcaster states that it is an acknowledged principle that news reports do not have to include or canvas every viewpoint or counterview, noting that this broadcast carried the views of a TENI representative, while a later broadcast reported the views of RTÉ. The broadcaster states that this is the essence of an unfolding news story.

The broadcaster notes the Morning Ireland contributor commented that the Liveline discussions lasted over three to four days. The broadcaster believes it is reasonable to say that listeners understood what was meant by this as the discussion on Liveline occurred on three separate programmes spread out over a five-day period, from Thursday 9th June to Monday 13th June.

The broadcaster believes the broadcast was accurate and fully compliant with RTÉ’s statutory and regulatory obligations.



Decision of the Compliance Committee

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

The broadcast covered the news that Dublin Pride had announced it would terminate its media partnership with RTÉ because of discussions on recent Liveline broadcasts regarding transgender people and issues..

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 provides that current affairs broadcasts must be fair to all interests concerned and presented in an objective and impartial manner, without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability.

The Committee noted that the broadcast contained a report on the decision of Dublin Pride to terminate its media partnership with RTÉ and then provided views and reactions from representatives of the LGBTQ+ community to this news. The Committee noted the broadcast was not an analysis or debate about the discussions on the Liveline broadcasts.

The broadcast included the reasons provided by Dublin Pride for its decision, namely their view that discussions of transgender people and matters on recent Liveline broadcasts had been anti-trans. The opinions and views of representatives of Gay Community News (GCN) and the Trans Equality Network Ireland (TENI) were supportive of this decision and the reasons given for it. The Committee was of the opinion that these views provided context and reaction to the news story from relevant people/organisations. The Committee believed that it was clear to the audience that these were views and opinions of those people/organisations and not a factual report on the nature of the Liveline discussions.

Considering the broadcast in its totality and in context, the Committee found no evidence of a lack of fairness, objectivity or impartiality as described in the complaint.

The Committee concluded the broadcast 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. Accordingly, the Committee rejected the complaint.



Complaint Reference Number	C5713
Complainant	Karl Martin
Station	RTÉ Radio 1
Programme Name	Morning Ireland
Broadcast Date	15 th June 2022
Broadcast Time	08:53
Programme Description	News and current affairs programme broadcast each weekday morning.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1 and 4.2

Complaint Summary

The complaint concerns an item about Dublin Pride's statement ending their media partnership with RTÉ as a result of discussions across three Liveline broadcasts over three days on the 9th, 10th and 13th June 2022.

The complainant contends that the discussions on the Liveline broadcasts were described inaccurately on Morning Ireland as being anti-trans, without challenge by the presenter or reporter. The complainant believes this defamed the good names of some of the contributors to the Liveline programmes.

The complainant provided the following examples of how the discussions were described in support of this contention:

- "unacceptable, triggering and extremely harmful anti-trans discussions...given a platform on Liveline";
- "stoke the flames of anti-trans rhetoric";
- "what unfolded on Liveline across multiple shows was really objectionable";
- "our very existence is being debated on the national airwaves"; and
- "a lot of the so-called debate is not about concern for the trans community or for women".

Broadcaster Response Summary

The broadcaster states that this report on Morning Ireland in respect of the announcement by Dublin Pride ending its media partnership with RTÉ was announced the evening beforehand and was covered on Morning Ireland and later during other broadcasts throughout the day as the story unfolded. The broadcaster maintains that the reason Dublin Pride gave for this move was that it was unhappy with the nature of discussions that covered topics of concern to the trans community in Ireland, which took place on Liveline over several days on 9th, 10th and 13th June



The broadcaster states that the item on Morning Ireland reported on the reaction and views of various groups in response to the relevant Liveline programmes. The broadcaster notes that there is an established audience expectation that, as a rolling radio news programme, Morning Ireland will feature different formats. These sometimes include discussion and debate between different contributors, one-to-one interviews with a guest or news reports with reporters that bring together the key points from a story. The broadcaster states that this item was not, and did not purport to be, an analysis or discussion of the views aired on Liveline and that it was clear to listeners this was a short news report arising from a statement issued by Dublin Pride the previous evening.

The broadcaster notes this was the first opportunity to report on this story, which was evident from the presenter asking the reporter to give the background to the story. The broadcaster states that the reporter set out the views as expressed by Dublin Pride about RTÉ having "given a platform" to a discussion that concerned the trans community in Ireland. The report went on to say how Dublin Pride said it "expects better from RTÉ" and that as a result it had now "announced the termination of its media partnership with RTÉ".

The broadcaster states that the representative of TENI on the Morning Ireland broadcast confirmed that the Dublin Pride statement also accurately reflected its views of the Liveline programmes. The broadcaster believes it was editorially appropriate to report those views, particularly in the context of a news report concerning an RTÉ programme. This broadcast accurately and factually reported the views of these representatives. The broadcaster states that it is an acknowledged principle that news reports do not have to include or canvas every viewpoint or counterinterview, noting that this broadcast carried the views of a TENI representative, while a later broadcast reported the views of RTÉ. The broadcaster states that this is the essence of an unfolding news story.

The broadcaster believes the broadcast was accurate and fully compliant with RTÉ's statutory and regulatory obligations.

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

The broadcast covered the news that Dublin Pride had announced it would terminate its media partnership with RTÉ because of discussions on recent Liveline broadcasts regarding transgender people and issues.

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 provides that current affairs broadcasts must be fair to all interests concerned and presented in an objective and impartial manner, without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability.



The Committee noted that the broadcast contained a report on the decision of Dublin Pride to terminate its media partnership with RTÉ and then provided views and reactions from representatives of the LGBTQ+ community to this news. The Committee noted the broadcast was not an analysis or debate about the discussions on the Liveline broadcasts.

The broadcast included the reasons provided by Dublin Pride for its decision, which was its view that discussions of transgender people and matters on recent Liveline broadcasts had been anti-trans. The opinions and views of representatives of Gay Community News (GCN) and the Trans Equality Network Ireland (TENI) were supportive of this decision and the reasons given for it. The Committee was of the opinion that these views provided context and reaction to the news story from relevant people/organisations. The Committee believed that it was clear to the audience that these were views and opinions of those people/organisations and not a factual report on the nature of the Liveline discussions.

Considering the broadcast in whole and in context, the Committee found no evidence of a lack of fairness, objectivity or impartiality as described in the complaint.

The Committee concluded the broadcast 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. Accordingly, the Committee rejected the complaint.



Rejected by Executive Complaints Forum

Complaint Reference Number	C5719
Complainant	Aidan Tobin
Station	RTÉ Radio 1
Programme Name	The Brendan O'Connor Show
Broadcast Date	14 th August 2022
Broadcast Time	14:40
Programme Description	Mix of news, interviews, reports and discussion
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1 and 4.2; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principles 2, 3 and 5.

Complaint Summary

The complaint concerns an interview regarding the use of equine therapy for autistic children.

The complainant states that the programme lacked fairness, objectivity and impartiality as no autistic people were included in the discussion. The complainant also states that the programme contained inaccuracies regarding medical treatments and vaccines. The complainant believes that the programme promoted treatments which are harmful to autistic people and promoted research performed by eugenics groups. The complainant further believes that the presenter lacked objectivity and impartiality by discussing medical conspiracy theories regarding vaccines and autism and that discussing such theories is harmful to autistic people as a group in society.

The complainant states that the terms “adult with autism” and “children with autism”, used during the interview, do not follow identity-first terminology which is the preferred terminology in the autism community. The complainant believes that the use of the term “severe”, when talking about autistic people during the interview, is harmful to the autism community as it is an ableist term.

The complainant further states that the contributor to the programme referenced two people during the discussion, one of whom advocates for applied behavioural analysis for autistic people and was inaccurately referred to by the presenter as a neuroscientist, and the other whose work is funded by an organisation that has previously advocated for a “cure” for autism. The complainant believes that applied behavioural analysis is dangerous and abusive for autistic children and that an organisation advocating for a “cure” for autism is functionally the same as eugenics. The complainant also believes that referring to these two people during the programme, without fully explaining their beliefs or work that they are engaged in, is harmful to autistic people as a group in society.



Broadcaster Response Summary

The broadcaster states that this was a personal and human-interest interview about the life experience of the interviewee and not a current affairs debate or discussion about autism. The broadcaster states that autistic people were not interviewed during the programme as the item related to the personal experience of the interviewee only, and that fairness does not require alternative viewpoints to be included in an item.

The broadcaster maintains that the presenter did not express or repeat medical conspiracy theories related to vaccines and autism. The broadcaster also states that dangerous or medicalised treatments, eugenics or vaccine misinformation was not promoted or discussed during the programme.

The broadcaster acknowledges that one of the people referred to by the presenter and interviewee was mistakenly referred to as a neuroscientist and states that this was an inadvertent inaccuracy.

The broadcaster accepts that the preferred terminology among many people is identity-first, however, the broadcaster states they are mindful to allow contributors to use language that they are comfortable with as long as the language does not cause undue offence.

The broadcaster does not believe the broadcast breached the relevant sections of the Broadcasting Act 2009 ("the Act"), the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards.

Decision of Executive Complaints Forum

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

The broadcast concerns comments made by the interviewee in relation to autistic people regarding medical treatments and vaccines. The complainant believes the programme promoted harmful treatments and research performed by eugenics groups.

The complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1 and 4.2. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. The complaint was also submitted under the Code of Programme Standards - Principles 2, 3 and 5, which requires broadcasters to consider a range of contextual factors which can influence the viewer or listener's perception of the programme material and therefore the degree of harm or offence that can occur. The broadcaster is further required to take due care to ensure audiences are not exposed to harmful content and to ensure the manner in which persons and groups in society are represented is appropriate and justifiable and shall not prejudice respect for human dignity.



The Forum noted that the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1 and 4.2. The Forum was of the view that the item complained of is not a news item. The Forum found that this was not a current affairs item, per se, but a discussion on the interviewee's personal experience as a father of a child with autism and was not framed by the broadcaster as a panel debate or discussion on autism.

The Forum then considered the complaint under the Code of Programme Standards and the complainant's view that the item was harmful to autistic people. The Forum noted that this was a human-interest story and not a discussion on autism. The views held are those of the interviewee, expressed from his personal experience with his autistic child.

In considering the complainant's view that the presenter did not challenge the contributor's views or facilitate the exploration of alternative viewpoints, the Forum noted the format of the item was a one-to-one interview, which strayed briefly into medical treatments but that the presenter focussed on the human-interest side of the interview in a respectful manner.

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



Complaint Reference Number	C5720
Complainant	Karl Martin
Station	RTÉ One
Programme Name	Prime Time
Broadcast Date	26 th July 2022
Broadcast Time	21:35
Programme Description	Current affairs programme.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1 and 4.2; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principles 1 and 2.

Complaint Summary

The complaint concerns a segment of a Prime Time programme where a tribute was given to mark the passing of David Trimble.

The complainant believes that the inclusion of the Elvis Presley song 'Trouble' during the tribute was offensive and that a more appropriate Elvis Presley song could have been chosen. The complainant states that the words "because I'm evil, my middle name is misery", "well I'm evil" and "I'm evil, evil, evil, as can be" were sung as images of David Trimble appeared on screen. The complainant believes the use of this song during the tribute is offensive and suggests a bias.

Broadcaster Response Summary

The broadcaster states that Prime Time marked the passing of David Trimble by including a tribute to him during the programme. The broadcaster states that it found, during research for the segment, that David Trimble was a fan of Elvis Presley and that his favourite film starring Elvis Presley was 'King Creole'. The song used during the tribute, 'Trouble' is the most well-known song from 'King Creole' and was used to reflect David Trimble's wide range of interests.

The broadcaster maintains there was no infringement of the Broadcasting Act 2009 ("the Act"), the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards.

Decision of Executive Complaints Forum

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

The broadcast concerns the inclusion of the Elvis Presley song 'Trouble' during a tribute to former First Minister of Northern Ireland, David Trimble, which the complainant found to be offensive. The



complainant believes a more appropriate Elvis Presley song could have been chosen. The complainant further believes playing this song caused harm and offence and showed bias.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality, rules 4.1 and 4.2. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. The complaint was further submitted under the Code of Programme Standards – Principles 1 and 2 which require the broadcaster to have respect for community standards and a range of contextual factors which can influence the viewer or listener's perception of the programme material and, therefore, the degree of harm or offence that can occur.

The Forum considered whether the choice of song could have infringed any of the above-mentioned provisions of the Code of Programme Standards. 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 acknowledged that while the words of the song are not offensive in and of themselves and the choice of song is an editorial decision for the broadcaster, the broadcaster may have chosen a more appropriate Elvis song to accompany the footage in question. However, considering the broadcast in whole and in context, the Forum concluded the broadcast did not cause undue offence.

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



Complaint Reference Number	C5722
Complainant	Sandra Adams
Station	RTÉ Radio One
Programme Name	This Week
Broadcast Date	14 th August 2022
Broadcast Time	13:00
Programme Description	Weekly News and current affairs programme
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1, 4.2 and 4.17

Complaint Summary

The complaint refers to an interview with a transgender rugby player following the decision by IRFU to ban transgender women playing in the female category.

The complainant claims this interview was not fair because it did not include any opposing view. The complainant also believes it contained inaccuracies and was not impartial. The complainant states that although the IRFU declined to comment, there were several individuals with alternative views that could have been invited to contribute.

The complainant claims that the interviewer was inaccurate when she stated, '*World rugby made this decision to ban transgender women from elite competition and then left it up to each individual country to decide to allow transgender women to participate in domestic competition*'.

The complainant maintains that World Rugby did not ban transgender women from elite competition. They can compete in the sex category to which they belong. This means transgender women can compete in the male sex category if they so wish. The complainant also claims that the interviewer referred to the English RFU banning transgender players followed by the IRFU making a similar decision. Again, the complainant believes this is inaccurate as neither Union has banned transgender players but have banned male born players playing against female born players. The complainant also believes that some of the responses by the interviewee were left unchallenged.

Broadcaster Response Summary

The broadcaster states that the context for this interview was set out clearly by the presenter in the introduction. The interview took place with an Irish person who was directly affected by the decision taken by the RFU. In the context of the IRFU decision, the broadcaster believes it was entirely editorially appropriate to interview an Irish person who was playing and who had direct personal experience. The broadcaster states that there is no statutory or regulatory requirement for "balance"; the obligation on broadcasters is to be fair to all interests.

The presenter explored and challenged the interviewee, including eliciting answers relating to research on the physical attributes of transwomen, safety issues and whether other women she



played with felt there was an unfair advantage. The broadcaster challenged the view of the complainant that World Rugby did not ban transgender women from elite competition and quotes from the World Rugby website - “transgender women may not currently play women's rugby”. The broadcaster also cites from the IRFU statement on the subject “The new policy, which is in line with that of World Rugby, the RFU and other governing bodies, will mean that contact rugby for players in the female category is limited to those whose sex was recorded as female at birth”.

The broadcaster does not believe the broadcast breached the relevant sections of the Broadcasting Act 2009 (“the Act”) or the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs.

Decision of Executive Complaints Forum

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

The broadcast refers to an interview with a transgender rugby player following the decision by the IRFU to ban transgender women playing in the female category of rugby.

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

The Forum was of the view that the choice of contributor reflected the framing of the issue, and the participation of a transgender player was appropriate. The Forum noted this was a one-to-one interview with a professional rugby player affected by a ban on her playing career. The principle of fairness in the Code does not necessarily require that all possible opinions on a subject matter are addressed or that they should receive equal airtime.

The Forum found that the presenter challenged the contributor with some assertions in relation to the safety of women playing against transgender players. Taking the interview in whole and in context, the Forum was satisfied that listeners were provided with sufficient information to ensure impartiality. In reaching its decision in relation to inaccuracies, particularly in relation to whether or not World Rugby banned transgender women from elite competitions, the Forum noted the broadcaster citing the wording on the World Rugby website, “transgender women may not currently play women's rugby”. The Forum was, therefore, of the view that listeners would have inferred this to mean that contact rugby for females would be limited to those born as females and exclude those that trans to female later in life. The Forum found that taking in these factors there was insufficient evidence of inaccuracies or significant mistakes in the broadcast.



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



Complaint Reference Number	C5721
Complainant	Séamus Ó Mathúna
Station	RTÉ One
Programme Name	Six One News
Broadcast Date	12 th July 2022
Broadcast Time	18:01
Programme Description	News
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1, 4.2 and 4.17

Complaint Summary

The complaint concerns a report on the Orange Order parades which took place across the North of Ireland on the 12th of July.

The complainant is of the view the broadcast was not fair to all interests concerned because it omitted certain facts and implied a carnival like atmosphere in which everyone, regardless of religion, colour or sexual orientation could participate, which could not be further from the truth.

The complainant states that this was not a true reflection of the reality of the situation in the North and gives no consideration to the mentality of the Orange Order's parades. The complaint sets out a range of issues the complainant believes should have been addressed in the broadcast, which may be summarised as:

- Catholics cannot join the Orange Order;
- Members are forbidden from marrying Catholics;
- Members are prohibited from any form of worship in a Catholic church;
- The culture of bonfires bedecked in Irish flags, effigies of Irish Politicians; and
- Palestinian, South African, Polish and Pride flags set ablaze amid celebratory shouting, drinking & singing.

The complainant maintains that they deliberately create a threat to serious street disorder and has no place in a 21st century pluralist society.

Broadcaster Response Summary

The broadcaster states that RTÉ News is a 32-county broadcaster and, as such, it is required by law to be impartial. The Twelfth is an important moment for many communities in Northern Ireland and it was factually reported as such.

The broadcaster states that to do as the complainant suggests would require them to provide similar context around Easter Sunday or other events in the Republic. That would cause great offence to many in this country and would cause equal offence in the North. The broadcaster also states that it



would have been clear to the viewer that this was a news report and not an analysis of the Orange Order or its history and that they have editorial justification for broadcasting these parades.

The broadcaster believes that the broadcast was fully compliant with the relevant sections of the Broadcasting Act 2009 and the BAI Code of Fairness, Objectivity and Impartiality in News and Current affairs.

Decision of Executive Complaints Forum

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

The broadcast concerns a report on the Orange Order parades which took place across the North of Ireland on the 12th of July.

The complaints were submitted under a provision of the Broadcasting Act 2009 which requires news to be presented in an objective and impartial manner and without any expression of the broadcaster's views. The complaint was submitted under rules 4.1, 4.2 and 4.17 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.

The Forum noted the news report comprised of the presenter's introduction informing viewers of calls for the scrapping of the Northern Ireland Protocol and opposition to the Irish Language Legislation. The short report continued with footage of parades and marches across the North to mark the 12th of July.

In considering the complainant's view that the programme failed to meet the requirements of the Code by omitting certain facts to the background of the Orange Order, the Forum noted that the Code does not require factual news reports to feature all viewpoints nor an in-depth analysis on an issue in order to be objective and impartial in its treatment of a subject. The focus of this report was on the annual parades across Northern Ireland and not a review of the origins of the Orange Order.

The Forum believes that the broadcaster is entitled to choose its approach to a news topic and to make an editorial decision in this regard. These parades have been covered for many years and viewers are aware of the subject matter.

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