[IE] Broadcasting Ban on Religious Advertising to Continue

IRIS 2004-3:1/24

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Following the decision of the European Court of Human Rights in Murphy v Ireland (judgment of 10 July 2003, see IRIS 2003-9: 3) that Ireland was not in breach of Article 10 ECHR, the Minister for Communications has decided to retain the ban on religious advertising. The ban had been invoked on a number of occasions to refuse advertisements, including the 2002 "Power to change" advertisements sponsored by the main Christian religions in the State (see IRIS 2003-2: 11).

As a result, in March 2003, prior to the Court's decision, the Minister had initiated a public consultation on the issue, which resulted in over 150 submissions. A more flexible system of regulation did not appear feasible, however. The choice, therefore, according to the Minister, was "whether to leave in place a ban that has served us well for over forty years or throw open the airwaves to religious advertising which could result in those with the deepest pockets presenting an unchallenged message."

On balance, he felt the ban should remain. Describing it as "a very emotive subject" and pointing out that advertising on radio and television "is significantly more intrusive than advertising in other media", the Minister emphasised that the ban does not preclude religious groups from gaining access to the broadcast media or from advertising in other media. Also, the Broadcasting Act 2001 permits advertisements that merely give information about a religious magazine or periodical being available for sale or about a religious event or ceremony taking place. It only precludes such advertisements if they address the merits or demerits of adhering to any faith or belief or becoming a member of any religion. As a result of the European Court's decision in Murphy there was no external pressure on the Minister to remove the ban and, for the reasons stated above, he found the case for retention persuasive.

"Dermot Ahern Retains Ban on Religious Advertising", Press release of the Department of Communications, Marine and Natural Resources of 29 January 2004, and editor's note explaining the statutory basis for the ban

http://www.dcmnr.gov.ie/modules/pressreleases.asp?guid=743BDB6102BF271339E0102BF2661567A102BF2640FE96102BF26A20642102BF2671826C102BF26A20642102BF2640FE96102BF2|2AE710|1ABB1E&arg=571DE801ACE205A77AC01ACE2057

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