[IE] Treaty of Lisbon Guidelines

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Since November 2008, the Joint *Oireachtas* (Parliament) Committee on the Constitution has been reviewing the referendum process. Its first consideration has been the current arrangements whereby information is imparted to the public during referendum campaigns. To that end, the Committee has sought the views of broadcasters, media regulatory bodies and various others. In its submission, the Broadcasting Complaints Commission (BCC) said that 20 of the 21 complaints it received in relation to the referendum on the Lisbon Treaty alleged bias in favour of the Yes side. All were considered and all were rejected. The central issue was fairness and balance.

Prior to that, in April 2008, the Broadcasting Commission of Ireland (BCI) published Guidelines in respect of coverage of the referendum on the Treaty of Lisbon. The guidelines were issued further to Section 9 of the Radio and Television Act 1988 (see IRIS 2004-8: 11) and Section 18 of the Broadcasting Act 2001. Like previous guidelines, they included restrictions relating to broadcasts in the 24 hours before polling, which might reasonably be considered likely to influence the outcome of the poll (see IRIS 2002-7: 12). However, on this occasion, the moratorium was extended from 12.01 a.m. on the day before polling stations opened until they closed. The previous restrictions applied from 7.30 a.m. on the day before the referendum. Broadcasters and guests could speak about Europe or how Ireland has benefited from the EU, but could not discuss the treaty or related amendments.

The guidelines provided that all coverage on the Referendum should be fair to all interests and presented in an objective and impartial manner and without any expression of the broadcaster’s own views (Guidelines 4, 5 and 6). All interests concerned should receive equal treatment in current affairs programmes (Guideline 6) (see IRIS 1998-6: 7, IRIS 2000-2: 7, IRIS 2001-7: 9 and IRIS 2004-8: 11). Proponents and opponents of the Referendum should be represented in the same programme. If this were impracticable, two or more related broadcasts could be treated as a whole, as long as the broadcasts were transmitted within a reasonable period of each other. The subsequent use of extracts from such programmes in other programmes must be monitored, to ensure continued balance and fairness and overall balance and fairness in the treatment of the views of different interests. Furthermore, in programmes including audience participation, it should be ensured that there is balance and fairness in the views

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broadcast and that a range of views are adequately represented in the questions/comments/issues raised in the programme.

The review of the referendum process by the Joint Oireachtas Committee continues.

BCI Guidelines in Respect of Coverage of the Referendum on the Treaty of Lisbon and Related Constitutional Amendments

http://www.bci.ie/documents/Treaty%20of%20Lisbon%20Referendum%20Guidelines%202008%20(Final).doc

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