[IE] Public Service Broadcaster Sanctioned

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On 4 May 2012 the Broadcasting Authority of Ireland (BAI) issued its statement of findings and determination following an investigation into apparent breaches by RTÉ - the national public service broadcaster - of sections of the Broadcasting Act 2009 arising from a broadcast in 2011. The programme "Mission to Prey" was broadcast on 23 May 2011 and formed part of the long-running "Prime Time Investigates" series on RTÉ Television. The programme included a segment which wrongly alleged that a Catholic priest, currently in ministry in Ireland, had in the 1980s abused a teenage girl in Africa, that she had borne his child and that he subsequently abandoned her and the child.

The segment was given considerable prominence through heavy trailing and by leading the second half of the programme. The broadcast included a reconstruction, images of the priest fulfilling his ministry in Ireland (which were obtained through secret filming), and a doorstep interview. The allegations were broadcast despite strong denials from the priest and his legal representatives, and in circumstances where he had offered to take a paternity test to provide a definitive answer to the allegations. The allegations were also repeated, by the same broadcaster, on national radio on 24 May 2011.

Following the broadcasts the priest was temporarily removed from his ministry and he instigated defamation proceedings. Upon completion of the paternity tests, which confirmed that the priest had not fathered the child, RTÉ issued an apology on 6 October 2011. The defamation proceedings were settled on 17 November 2011 with a correction order issued, in accordance with section 30 of the Defamation Act 2009, requiring the broadcaster to publish a correction of the defamatory statements. RTÉ also paid undisclosed damages to the priest, widely reported to be just under EUR 1 million.

Upon the conclusion of the defamation proceedings the Minister for Communications, Energy and Natural Resources asked the BAI's Compliance Committee to initiate an investigation under section 53 of the Broadcasting Act 2009 to determine whether RTÉ had met its statutory responsibilities regarding objectivity, impartiality and fairness with respect to the broadcast (s.39 of the Act).

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The Committee on 29 November 2011 concluded that there were circumstances that warranted an investigation and they appointed a former Controller of BBC Northern Ireland as the Investigating Officer. This was the first such investigation initiated under section 53 of the Broadcasting Act. The investigation was generally limited to the segments of the broadcast featuring the priest and the circumstances surrounding the commissioning, production and transmission of the programme. In her 34-page report the investigator formed the view that breaches of the Act had occurred and recommended that the Compliance Committee find that RTÉ had seriously breached the Act.

Having considered this report and further submissions from RTÉ, the BAI concluded that there was a significant failure of editorial and managerial controls within RTÉ, that the broadcast of seriously defamatory allegations was unfair, and that the means employed in making the programme encroached upon the individual's privacy. The BAI further concluded that these serious breaches warranted a financial sanction of EUR 200,000. The maximum provided for in the Broadcasting Act is EUR 250,000.

Broadcasting Authority of Ireland (BAI), Statement of Findings issued pursuant to section 56 of the Broadcasting Act 2009 [Mission to Prey Determination], (4 May 2012)

http://www.bai.ie/wordpress/wp-content/uploads/20120504_StatementofFindings_vFINAL_SO.pdf

Broadcasting Authority of Ireland (BAI), Investigators Report issued pursuant to section 53 of the Broadcasting Act 2009 [Mission to Prey Investigation], (29 February 2012)

http://www.bai.ie/wordpress/wp-content/uploads/20120404_S53Report_vFin_SO.pdf

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