[IE] Complaint in relation to same-sex marriage broadcast upheld

IRIS 2014-8:1/27

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At its meeting of June 2014, the Compliance Committee of the Broadcasting Authority of Ireland (BAI) upheld a complaint made on behalf of the Family and Media Association, a group which promotes Catholic family values in the media. The complaint concerned an item discussing civil partnership in Ireland, broadcast on RTÉ Radio One's Mooney Show on 20 January 2014, during which the presenter invited views from his guests on a referendum to change the law and introduce same-sex marriage.

Under section 48 of the Broadcasting Act 2009, listeners can complain about broadcasting content which they believe is not in keeping with broadcasting codes and rules. The complainant claimed that the broadcast on civil partnership in Ireland breached the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs (IRIS 2013-5/32). It was claimed that in the course of the discussion the presenter and guests made several statements implicitly and explicitly supporting same-sex marriage and no voices were heard opposing same-sex marriage. It was also claimed that the programme presenter openly expressed his own views by stating 'I hope you do get gay marriage … I hope it does come in'.

The broadcaster advised that the discussion was prompted by the release of figures for the number of civil partnerships which had taken place in Ireland since the first ceremonies in 2011. As part of the broadcast, RTÉ Radio invited two guests to discuss and explore their experience of civil partnership. Mr. Murphy told his story as one of the first persons in the country to enter into a civil partnership and Mr. Brady of the Gay and Lesbian Equality Network was invited to give a wider perspective of the gay community.

In upholding the complaint the Compliance Committee noted that aspects of the programme were factual and of a human interest nature, particularly in respect to the personal experiences of Mr. Murphy and of the practical aspects of Civil Partnership. Nevertheless, the discussion of same-sex marriage constituted current affairs content on an issue that was of current public debate and controversy. This was so even though there was no referendum campaign underway to change the law to permit same-sex marriage.

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As the same-sex marriage discussion constituted current affairs content the general requirements for fairness, objectivity and impartiality in current affairs were applicable. On reviewing the broadcast the Compliance Committee concluded that the programme guests and the presenter clearly favoured such a change in Irish law. In the absence of alternative views on this topic, a matter of current public debate and controversy, the role of the presenter was to provide alternative perspectives to those of his guests and that this requirement was not met on this occasion.

The decision of the Compliance Committee has been criticised by the National Union of Journalists (NUJ).The NUJ has written to the BAI expressing concern that the decision means that broadcasters are required to seek out alternative views or ensure that presenters can provide a counter-balance to the views of guests in a wide range of programme settings.

Broadcasting Authority of Ireland, Broadcasting Complaints Decisions, August 2014

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