

# [IE] Broadcasting Regulator Rejects Complaint over Discussion of Same-Sex Marriage

**IRIS 2015-2:1/25**

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The compliance committee of the Broadcasting Authority of Ireland has held that the Irish public broadcaster RTÉ did not violate the broadcasting code's rules on fairness and impartiality during a discussion on same-sex marriage. The decision arose following a complaint made over a June edition of RTÉ's "The Marian Finucane Show", a two-hour radio programme (for a similar complaint recently upheld against RTÉ, see IRIS 2014-8/27).

The show's format includes the presenter and guests reviewing the main events and newspaper stories of the week. During the programme, one guest highlighted newspaper coverage of the Dublin Gay Pride parade, which had taken place during the week. The panellists discussed the parade, how it had developed over the years in Ireland, with the discussion then moving on to guests' views on gay rights, same-sex marriage and the "readiness of the population for changes to Irish law".

Under section 48 of the Broadcasting Act 2009, individuals may make a complaint to the Authority that a broadcaster failed to comply with the broadcasting code. The complainant argued that there had been a breach of rules 4.1 and 4.22 of the Authority's Code of Fairness, Impartiality and Objectivity in News and Current Affairs (see IRIS 2013-5/32). Under rule 4.1, broadcast treatment of "current affairs" must be "fair to all interests concerned", and the broadcast matter "presented in an objective and impartial manner". Under rule 4.22, presenters on current affairs programmes must not express their own views on matters of public controversy or current public debate "such that a partisan position is advocated".

The complainant argued that "not a single panellist challenged the view that legislation for same-sex marriage would be anything but good", the presenter "supported this view" and that "if there is no panellist with opposing views then the presenter should provide the balance". RTÉ argued that the discussion was "impartial" as "the existence of opposition to legislation for same-sex marriage was remarked on" when one guest noted that "there are people who have concerns that must be heard and answered". RTÉ acknowledged that the presenter "did present a positive view of same-sex marriage but not to the degree that a partisan position was advocated".

The Authority considered two issues: (a) should a person opposed to same-sex marriage have been included in the programme, and (b) did the programme presenter's contribution violate rule 4.22. On the first issue, the Authority emphasised that it was not an "absolute requirement" that programme makers balance a programme by including individuals representing each side of a debate. The Authority held that the "fairness in the treatment of a topic" can be achieved by a presenter or guest giving "voice to the views of those who may oppose" same-sex marriage. This fairness requirement had been satisfied when a guest had remarked that "there are people who have concerns that must be heard and answered". On the second issue, the Authority found that "while listeners would have benefitted from more active engagement by the presenter with the guests", the presenter did not "actively endorse proposals to change Irish legislation so as to permit same-sex marriage". Thus, the Authority concluded that the programme did not violate the broadcasting code's rules on fairness and impartiality.

***Broadcasting Authority of Ireland, Broadcasting Complaint Decisions, December 2014, p. 7***

<http://www.bai.ie/?ddownload=84758>

