[IE] Live programme featuring minor discussing ‘sexting’ violated broadcasting code

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The compliance committee of the Broadcasting Authority of Ireland (BAI) has held that the broadcaster 98FM violated a number of broadcasting rules during a live phone-in programme on the issue of minors sending inappropriate pictures of themselves. A complaint had been made by the mother of a 13-year-old girl over an April 2014 broadcast of 98FM’s phone-in programme Dublin Talks. The complainant claimed that her daughter’s participation in the programme breached the broadcasting act’s rules on harm and offence, and the broadcasting code’s rules on harm and privacy.

The Dublin Talks programme featured a live discussion about minors sending inappropriate images of themselves via text message and social media, and unknown to her mother, a 13-year-old girl phoned in to voice her opinion. The girl was asked to confirm she was over 16, which she did.

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 rules. The complainant argued that there had been a breach of Principle 3 of the Code of Programme Standards, in that broadcasters must take due care to ensure no undue offence and harm, and Principle 7 on privacy, in that consent concerning a child less than 16 years of age should be obtained from the child and from a parent. In response, the broadcaster argued that the girl was not exposed to “any harm or danger”, and that “she had much to say about the topic, and was in fact, informative and enlightening”. Further, the broadcaster argued that it “engaged in the standard practices and protocol for radio talk shows”, relied upon the girl’s “honesty when she confirmed she was over 16”, and the fast paced nature of the programme “makes it impossible to get parental consent or verification of a person’s age”.

The Authority unanimously upheld both grounds of complaint. First, the Authority held that the girl was placed on-air “at the same time as another older caller whose contributions were abusive”, with one caller describing teenagers who engage in “sexting” as “filthy dirt bags, vermin, sick, disgusting, vile filthy people, clowns and commented that their heads should be chopped-off”. The Authority considered it “unacceptable that the broadcaster had permitted a young girl to be placed in this position and to be subject to abusive language of a strong nature”.

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Second, the Authority held that “the broadcaster took no apparent steps to seek the consent of the parents, guardians or other relevant parties before placing the complainant's daughter” on-air. In this regard, “the interests of those under-16 would supersede the editorial imperative of the programme”.

Finally, given the “significant problems with the production and conduct of this programme which raise broader issues about the programme that merit further consideration”, the Authority also decided to issue the broadcaster with a “Warning Notice”. The Authority issues warning notices “where it considers the compliance issue to be of a serious nature”, and 98FM is asked to provide “a plan for remedying compliance issues arising with a view to ensuring there is no re-occurrence of it”.

Broadcasting Authority of Ireland, Broadcasting Complain Decisions, June 2015, pp. 21-24

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