# [IE] Programme discussion of abortion violated Broadcasting Act

**IRIS 2016-2:1/14**

*Ronan Ó Fathaigh*
*Institute for Information Law (IViR), University of Amsterdam*

The Broadcasting Authority of Ireland (BAI) has upheld a complaint against the public broadcaster RTÉ over a programme which featured an interviewee discussing abortion, finding that the programme breached the Broadcasting Act's rules on fairness, objectivity and impartiality in coverage of current affairs (for previous decisions, see IRIS 2014-2/23).

The decision arose following a complaint in relation to a June 2015 edition of The Ray D'Arcy Show, a lifestyle/entertainment show broadcast weekdays on RTÉ 1 Radio. The show featured an interview with the Irish director of the non-governmental organisation Amnesty International, to discuss the publication of its report entitled "She is not a criminal: The impact of Ireland's abortion law".

Under Section 39(1)(b) of the Broadcasting Act 2009, broadcasters must ensure that the broadcast treatment of current affairs "is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of his or her own views". However, if it is "impracticable in relation to a single broadcast to apply this paragraph, two or more related broadcasts may be considered as a whole, if the broadcasts are transmitted within a reasonable period of each other".

The complainant argued that the interview violated Section 39(1)(b) because of certain partisan remarks made by the show's presenter, and a "lack of balance" due to the absence of opposing arguments concerning abortion. On the other hand, RTÉ argued that "very robust text and emails, unhappy with the Amnesty campaign," were read out by the presenter, and a statement by the "Pro-Life Campaign" was quoted extensively to the interviewee by the presenter, "alleging that Amnesty was no longer an unbiased defender of human rights principles".

The BAI, in a majority decision, upheld the complaint, holding that there had been a violation of Section 39(1)(b) of the Broadcasting Act 2009. First, the BAI acknowledged that Amnesty International's report was an "important news and current affairs issue that merited discussion". However, "other perspectives" provided "were insufficient, particularly where the presenter provided very little in terms of counterpoints to those of his interviewee and where there were no other contributions via interviewees". Second, the BAI held that "listeners to the programme would have reasonably concluded that the presenter endorsed the

© European Audiovisual Observatory (Council of Europe) 2026

views of his interviewee and was articulating a partisan position". The BAI pointed to a number of statements made by the presenter, including "we have been told that our laws need changing and government after government have done nothing about it", and described a legislative committee report on abortion as "flawed, basically, fundamentally flawed". Thus, the broadcast did not comply with the fairness, objectivity and impartiality requirements of the Broadcasting Act 2009.

***Broadcasting Authority of Ireland, Broadcasting Complaint Decisions, December 2015, p. 7***

http://www.bai.ie/?ddownload=128610

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026