[IE] Interview with elected official on abortion did not violate broadcasting rules

IRIS 2016-3:1/20

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

In a majority decision, the Broadcasting Authority of Ireland (BAI) has held that there is no automatic requirement for a broadcaster to challenge the views of a contributor on a current affairs topic. The decision arose following a complaint to the BAI concerning a 30-minute interview with an elected public official on the issue of abortion (for previous decisions, see IRIS 2016-2/14 and IRIS 2014-2/23).

The complaint concerned an August 2015 edition of The Ray D'Arcy Show, which is a lifestyle and entertainment programme, broadcast weekday afternoons on the public broadcaster channel RTÉ Radio 1. The programme featured a 30-minute interview an elected local government councillor, to discuss a recent newspaper article the councillor had written describing "her experience of a pregnancy involving a foetus with a medical problem."

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) and the BAI's code on fairness in current affairs, because "the programme gave 30-minutes to the promotion of abortion in the case of pregnancies involving foetuses with genetic defects and pregnancies arising from rape and framed the issue only in terms of choice," "that the presenter endorsed this view," and "there was no one on the programme to offer a counter argument."

However, in a majority decision, the BAI rejected the complaint. The BAI found that the interview was "predominantly a human interest item which explored the issue of abortion though the experiences" of the councillor. The BAI did note that the interview included discussion about how the councillor's "experiences had impacted on her political perspective on the issue of abortion and in this regard the presenter questioned her on how her experience led her to hold the position that abortion on demand should be permitted in Ireland, subject to certain restrictions." However, the BAI held that "there is no automatic requirement to

© European Audiovisual Observatory (Council of Europe) 2026

challenge the views of a contributor on a current affairs topic." Moreover, "while the audience may have benefited from the expression of other perspectives during the programme, the Committee found that, overall, the approach to the interview by the presenter was fair, objective and impartial."

Broadcasting Authority of Ireland, Broadcasting Complaint Decisions, January 2016, p. 18

http://www.bai.ie/?ddownload=128690

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026