[IE] Interview concerning abortion violated broadcasting rules

IRIS 2016-7:1/22

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In a majority decision, the Broadcasting Authority of Ireland (BAI) has upheld a complaint concerning an interview with a couple on the topic of abortion, broadcast by the public service broadcaster RTÉ (for previous decisions, see IRIS 2016-3/20, IRIS 2016-2/14, and IRIS 2014-2/23). The complaint concerned an October 2015 edition of The Ray D'Arcy Show, a lifestyle and entertainment programme, broadcast weekday afternoons on RTÉ Radio 1.

The programme featured an interview with a well-known television writer and his wife, concerning their experience of receiving a diagnosis that their first baby would not survive beyond birth. The interview also featured discussion of the couple's views on the Irish laws on abortion.

The complainant argued that the "presenter promoted his personal view in respect of abortion during this discussion" and "allowed his guests to make a number of comments in respect of abortion which should have been challenged," thus violating the Broadcasting Act 2009 and the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. 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 broadcaster argued that the interview was a "human-interest item", and that "the focus of the interview was primarily on the personal trauma endured by the couple." RTÉ stated that it canvassed for and received separate statements from the Pro-Life Campaign and Every Life Counts, which were read out during the interview. The presenter also offered alternative viewpoints to the couple throughout the interview."

Having considered the submissions, the BAI Compliance Committee decided to uphold the complaint. First, the Committee stated that it "did not agree with the characterisation of the interview by the broadcaster as predominantly human interest in nature." It noted that the interviewees had created a video for a campaign to decriminalise abortion in Ireland, and while the interview did include "an exploration of the experiences of the interviewees, these views were

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secondary and set out so as to encourage support for the Amnesty International campaign" to change Irish abortion law. Second, the Committee noted that "the interviewees also criticised opposing views to their own, describing such views as 'fundamentalist', 'simplistic' and 'childish', and characterised the actions of politicians on this matter as 'particularly cowardly'." While the interviewer had "made references to other choices that couples had made when faced with a pregnancy where the foetus had a fatal foetal abnormality or a life-limiting condition", "the treatment of these other views during the item as cursory and the issues highlighted by those statements were not examined in any detail by the presenter with his guests." In conclusion, the Committee held that "other perspectives provided were insufficient, particularly where there were no other contributions via interviewees and where the presenter did not challenge in any significant manner the views of the interviewees." Thus, there had been a violation of the Broadcasting Act 2009 and the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs.

Broadcasting Authority of Ireland, Broadcasting Complaint Decisions, May 2016

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