[IE] Programme containing hate speech had no editorial justification

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In a majority decision, the Compliance Committee of the Broadcasting Authority of Ireland (BAI) has upheld a complaint against a broadcaster over a programme featuring a contributor being "given repeated opportunities to air" extremely racist views.

The complaint concerned a November 2015 edition of a late night chat/entertainment programme broadcast each weekday evening after 9pm by FM 104. The programme is led "by audience interaction", and is "characterised by often controversial and trenchant views often stated using coarse and offensive language." The episode of the programme aired on 12 November 2015 concerned a contributor who was concerned about a request, from her ex-partner and father of her child, to bring the child to visit his family in his home country of Nigeria. The caller was concerned that she might not see the child again if she granted this request. The broadcaster invited listeners to contact the programme with their opinions. It included contributions that dealt with this topic, but it also included one caller, who expressed a number of opinions, including that "Africans/Nigerians were only in relationships with Irish women so as to secure passports" and "sponge off the welfare", were "parasites", and were "contaminating our gene pool and outbreeding us 2-1."

Under Section 48 of the Broadcasting Act 2009, individuals may make a complaint to the BAI that a broadcaster failed to comply with the broadcasting rules. The complainant argued that "the programme permitted persons to express hatred and racism against other nationals," and was "disrespectful, offensive and biased," in breach of a number of broadcasting rules, including: Section 48(1) of the Broadcasting Act (fairness, objectivity and impartiality in current affairs), Section 48(1)(b) of the Broadcasting Act (harm and offence), Rules 4.1 and 4.2 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs (fairness, objectivity and impartiality) and Principle 5 of the BAI Code of Programme Standards (respect for persons and groups in society).

In response, the broadcaster stated that the programme carries a warning at the beginning, as "some views expressed on air by callers can be extreme." The broadcaster argued that "the programme is well known as one which contains robust debate carried out by contributors who often hold extreme views which

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some may find offensive." However, the extreme views "were constantly challenged, disagreed-with and effectively belittled, with those who expressed these opinions called out and basically shamed on air for daring to hold them - by both the presenter and many other callers."

The Compliance Committee decided to uphold the complaint. First, the Committee noted that the programme was broadcast after the "watershed", and regular listeners "are familiar with the style and tone" of the programme. However, while these factors were relevant for context, "they do not remove the obligation on the broadcaster to put limits on content that would reasonably be expected to cause undue offence." In particular, the Committee held that the views expressed by the caller concerning race "had no evident editorial relevance to the discussion since the issue of race was not highlighted by the caller who was facing the dilemma that was the focus of the programme." In addition, the Committee held "that the caller was invited throughout the programme to air his views and was permitted to make continuous racist remarks throughout the majority of the programme, and in circumstances where the comments had no editorial relevance." Finally, the Committee accepted that whilst "the comments of this caller were challenged throughout the programme", nonetheless "the caller's views were extremely racist in nature and amounted to hate speech and the caller was given repeated opportunities to air these views, views which the Committee believe should not have been broadcast in such an extensive manner and because they had not editorial justification."

Broadcasting Authority of Ireland, Broadcasting Complaint Decisions, May 2016, p. 15

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