[IE] Broadcaster's handling of interviewee's unplanned criticism of political party was fair and objective

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On 16 September 2016, the Compliance Committee of the Broadcasting Authority Ireland (BAI) rejected by a majority two complaints concerning comments made in a live interview about a political party and some of its voters. The complaints concerned an edition of RTÉ's long-running chat show The Late Late Show, broadcast on 19 February 2016, one week before the Irish parliamentary elections.

The show included an interview with a well-known journalist, Paul Williams, on the subject of crime in Dublin, with most of the interview concerning two feuding crime families. However, toward the end of the interview, the journalist began discussing the Irish Special Criminal Court, a non-jury court which tries certain terrorism and serious-crime offences. The journalist then criticised the election manifesto of the Irish political party Sinn Féin, which sought to abolish the Special Criminal Court. The journalist commented that "the only people who will vote for Sinn Féin, in regard to that part of their manifesto are the drug dealers, the killers and the kidnappers and the terrorists".

The BAI considered two complaints about the programme, both claiming there had been violations of the Broadcasting Act 2009 and the BAI's Code of Fairness, Objectivity & Impartiality in News and Current Affairs, in particular the rule 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" (section 39(1)(b) of the 2009 Act). The complainants argued that the journalist was "freely allowed to malign Sinn Féin voters as criminals", "the presenter allowed him to condemn and vilify those who vote for Sinn Féin", and the journalist's comments "were an attempt to harm Sinn Féin in the then forthcoming General Election". In response, RTÉ argued that the interview, "for legal and editorial reasons, had been strictly rehearsed and planned in advance", but that the journalist "unexpectedly started discussing the Special Criminal Court". RTÉ added that the presenter "attempted to cut him off but Mr. Williams continued and made the accusation that the complainant and several others have found offensive", but it was "unplanned, unscripted and the opinion solely of Mr. Williams".

The Compliance Committee, by a majority, decided to reject both complaints. First, the Committee noted that "Mr. Williams' comments about the position of

Sinn Féin in respect of the Special Criminal Court and their proposal to abolish it were factually correct". Second, in relation to the comments on some Sinn Féin voters, the Committee stated that it "did not agree that it amounted to a comment on supporters of this party as a whole", but only to "some segments of the electorate, in particular those engaging in criminal activities". Crucially, the Committee held that (a) the broadcaster had taken steps to ensure the legality of the programme, in particular, by undertaking a rehearsal of the item in advance; (b) the programme was live; and (c) the comments by the guest about the Special Criminal Court were unplanned. However, the Committee did remark that "while audiences would have benefited from a more forthright response from the presenter to the remarks of his guest", it also stated that the political party's proposals on the Special Criminal Court "were not relevant to the discussion and also noted that the party, had it been in studio, would disagree with Mr. Williams' analysis". Taking into account all the circumstances, and "the right to free expression", the Committee concluded that "on balance" the show did not infringe the fairness, objectivity, or impartiality rules.

Broadcasting Authority of Ireland, Broadcasting Complaint Decisions, September 2016, p. 45

http://www.bai.ie/en/media/sites/2/2016/09/201609_CCECF_Decisions_Sept16_vFinal1.pdf

Broadcasting Authority of Ireland, Broadcasting Complaint Decisions, September 2016, p. 48

http://www.bai.ie/en/media/sites/2/2016/09/201609_CCECF_Decisions_Sept16_vFinal1.pdf