[IE] Live programme discussion containing “highly offensive” comments about children with disabilities violated broadcasting code

IRIS 2017-1:1/20

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The Compliance Committee of the Broadcasting Authority of Ireland (BAI) has held that the broadcaster FM 104 violated a number of broadcasting rules during a live phone-in programme which featured a discussion on the issue of “special needs children and their exclusion from summer camps.” A complaint had been made over a July 2016 broadcast on “The FM 104 Phone Show” that is broadcast each weekday night and covers a wide range of topics. The complainant claimed inter alia that the broadcasting comments by one caller who referred to an autistic child as “having no mind of their own; not being ‘all there’ and calling them the abusive term ‘mongos’” was “irresponsible” and in breach of the broadcasting rules on respect for community standards, protection from harm, and respect for persons and groups in society.

The broadcaster contended that “as with any topic, some listeners will be ignorant in respect of a topic” and this was “displayed by one caller who made the remarks regarding people with special needs”. The broadcaster asserted that the show “contains views and opinions that not everyone agrees with, but these views are always challenged on air” and the presenter called his views “‘idiotic’, ‘insulting’ and ‘ignorant’ and [the caller] was eventually cut off”. It maintained that “the topic as a whole “highlighted the need for more acceptance for children with special needs in summer camps and the ignorance they face.” The broadcaster also stated that the show “was broadcast after the watershed” and carried “a warning before and during the programme”. Notwithstanding this, FM104 “unreservedly apologised for any upset caused to the complainant by the views of their listeners”.

The Committee stated that audiences “do not have an automatic right not to be offended by content”. However, the BAI Code of Programme Standards “sets out certain limits in respect of acceptable content” which includes “an obligation on broadcasters to ensure content is in line with general community standards, including standards related to public attitudes to language.” The Committee added that “while robust debate is permissible, as is the challenging of assumptions, programming should not stigmatise, support or condone discrimination against persons or groups in society, including on the basis’ of disability.” Furthermore “the Code recognises that the use of terms and

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references of an abusive nature in respect of person or groups in society, including those with disabilities requires justification."

In the case of this programme, the Committee highlighted that the programme included a caller who made "repeated use of offensive terms in respect of person and groups in society, in particular individuals with a disability". The Committee observed that while the comments of this caller were challenged throughout the programme, the comments were "extremely offensive." The Committee recognised that while a "broadcaster cannot always predict what a caller will say once on-air during a live broadcast, it was evident from early on in this caller's contribution, that his views were "highly offensive" and the "caller was given repeated opportunities" to air such views." In addition, the "feedback from listeners" also indicated that the caller was causing "significant offense". The caller was "permitted to make the offensive remarks for a considerable period of time before his comments were strongly challenged by the presenter and there was no evidence from the broadcaster that the presenter or the programme makers ended the call."

In conclusion, the Committee unanimously upheld the complaint as being in breach of the Code.

Broadcasting Authority of Ireland, Broadcasting Complaint Decisions, 30 November 2016, pp. 4-7

http://www.bai.ie/en/latest-broadcasting-complaints-decisions-published-28/

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