[IE] BAI issues Warning Notice to broadcaster over abortion coverage

IRIS 2017-2:1/21

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On 21 December 2016, the Broadcasting Authority of Ireland (BAI) upheld a complaint concerning an interview on abortion, broadcast by the public service broadcaster RTÉ. The programme concerned a June 2016 edition of The Ray D'Arcy Show, a lifestyle and entertainment programme broadcast on weekday afternoons on RTÉ Radio 1. Notably, the BAI issued a Warning Notice to RTÉ as this was the "third occasion" on which complaints had been upheld concerning the programme's coverage of abortion (see IRIS 2016-7/22, IRIS 2016-2/14 and IRIS 2014-2/23).

The programme featured an interview with a couple on their experience of the termination of a pregnancy, where a fatal foetal abnormality was present, and their views on a United Nations Human Rights Committee (UNHRC) finding concerning Ireland's abortion law which had been issued that day. A complainant argued that the interview violated the Broadcasting Act 2009 and the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, as it was a "personal story with a political campaigning message tagged on"; that opposing viewpoints were "treated in a cursory manner"; and that the presenter had failed to point out that the couple were "part of a campaigning group" to reform Ireland's abortion law.

The BAI's Complaint Committee unanimously upheld the complaint. First, the Committee held that the programme segment "was predominantly a news and current affairs item rather than a human interest story", noting that the presenter spent five minutes on the UNHRC finding, prior to the interview. Moreover, "while the interviewees spoke about their own personal experience and the item had clear human interest elements as a result, the interviewees are members of the organisation Termination for Medical Reasons, whose objectives include changing Irish laws on abortion". The Committee was of the opinion that adherence to broadcasting regulations required that "the audience be made aware that the interviewees were members of an organisation seeking to change Irish law". It followed that "their views on this matter of current public debate should have been examined rather than simply facilitated, without other views being presented to the guests". Secondly, the Committee "did not believe that the reading of some texts that were critical of the UNHRC decision or reading extracts from statements of 'pro-life' organisations were given equal prominence or were sufficient to ensure that the item met with the news and current affairs

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requirements set out in the 2009 Act or the BAI's Code". Thirdly, the Committee rejected RTÉ's argument that a second programme was a "related broadcast" which would satisfy the "fairness, objectivity and impartiality" requirement over two broadcasts. The Committee held that "the presenter did not link the second broadcast to the findings of the UNHRC", and "the content of this second interview was focused almost exclusively on the personal experiences of the interviewee and did not discuss in an analogous manner the law in respect of abortion in Ireland". In light of these findings, the Committee held that the broadcast did not comply with the fairness, objectivity and impartiality requirements of the Broadcasting Act 2009. Finally, the Committee noted that it was the third occasion that complaints had been upheld in respect of the programme, and that this was "a matter of concern for the Committee". Consequently, a Warning Notice was issued to make the broadcaster aware "that the matter is considered to be relatively serious", and unless resolved, may result in "formal sanctions".

Broadcasting Authority of Ireland, Broadcasting Complaint Decisions, December 2016, p.4

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