[IE] BAI holds broadcaster “failed to take appropriate action so as to avoid undue offence”

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Ingrid Cunningham
School of Law, National University of Ireland, Galway

The Broadcasting Authority of Ireland (BAI) has upheld a complaint, in part, against the broadcaster 98FM regarding the treatment of a caller who related her story on air regarding her decision to terminate a pregnancy following a diagnosis of a fatal foetal abnormality.

The complaint was submitted under the Broadcasting Act 2009: the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs and the BAI Code of Programme Standards. The complainant, Mrs Jennifer Ryan, stated that she received a call from “Dublin Talks”, a talk and phone-in show, “asking if she would take part in the programme the following day.” Mrs Ryan said she was “assured”, having spoken to the production staff, “that it would be a 10-minute chat with the presenter just to relate the story of her and her husband’s decision to terminate her pregnancy following a diagnosis of fatal foetal abnormality.” Having outlined her reasons on air for taking the decision to end the pregnancy, the presenter then invited callers to give their views. Mrs Ryan stated that one of the callers was permitted to make “several hurtful and grossly offensive comments”, to which she was invited to react by the presenter; however, she said that she felt it difficult to answer to such offensive comments and the presenter finally decided to take control of the discussion again and to end her participation in the programme, while keeping the caller who had made the offensive comments about her on air. The complainant asserted that, having been subjected to “horrific abuse and cross-examination from a listener, she was then denied any right of reply by the programme makers”.

98FM contended that Mrs Ryan “did not have to agree to go on the show” and had been told it was “a caller-based show and there would be other callers involved”. 98FM maintained that when other callers were introduced, she “was given an opportunity to respond to each one”. 98FM claimed that when one caller “went too far and questioned the veracity of her story, the presenter intervened and stated that to suggest such a thing was outrageous”.

The BAI Compliance Committee noted that Mrs Ryan “had agreed to speak publicly on the topic of abortion and fatal foetal abnormality” and therefore “should reasonably expect to be questioned about this topic and her views”. The BAI did not consider that there were grounds to uphold the complaint further to

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Principles 5 (respect for persons) and 7 (privacy) of the BAI Code of Programme Standards, given the nature of the programme, the audience expectation and Mrs Ryan's agreement to participate in the programme.

However, the BAI Committee concluded that the programme did not meet the obligation for fairness set out in the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the obligation included in the BAI Code of Programme Standards "to take timely corrective action where unplanned content is likely to have caused offence" (Principle 2). In reaching its decision, the Committee had regard to "the facilitation during the programme of a caller who made a range of abusive and offensive remarks" against Mrs Ryan. While the Committee were of the opinion that Mrs Ryan "should have expected to be questioned on her personal experiences and any views she may have on the broader issue of abortion", the caller in question inter alia repeatedly queried her honesty, "made allusions (both direct and indirect) to her complicity in what he considered to be murder," and "implied that she was lying so as to advance the cause of those who favour liberalising Ireland's abortion law"." The BAI noted it was evident that the caller's remarks were causing "clear offence to the audience". Given this fact and given that the caller's comments "were made directly to a caller who had undergone a traumatic experience", the BAI were of the view "that the programme makers had failed to take appropriate action so as to avoid undue offence to audiences and to the complainant". Accordingly, the Committee upheld the complaint in part.

Broadcasting Authority of Ireland, Broadcasting Complaint Decisions, 31 January 2017, pp. 4-9

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