[IE] Authority upholds complaint regarding presenter's comments about sexual assault

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On 6 February 2018, the Broadcasting Authority of Ireland (BAI) upheld a complaint concerning comments made by a programme presenter on 8 September 2017 about the sexual assault of a woman in the UK and issues of responsibility. The complaint concerns "High Noon", a programme which features current affairs, news and interviews, broadcast daily at noon on a commercial station, Newstalk 106-108FM. The complaint was submitted under Section 48(1)(b) (harm and offence) of the Broadcasting Act 2009 and the BAI Code of Programme Standards (namely, Principle 2 on the "Importance of Context") The complaint centred on comments made by the presenter, George Hook, after he had read out the details of a court case in the UK dealing with a sexual assault. The court heard that the woman had willingly gone to a hotel room with a man that she had met, and she had been assaulted by a different man who had also been in the same room. The presenter went on to describe the rape as "awful" and then stated inter alia, "But when you look deeper into the story you have to ask certain questions. Why does a girl who just meets a fella in a bar go back to a hotel room? She's only just barely met him ... then is surprised when somebody else comes into the room and rapes her." The presenter later posed the question: "Is there no blame now to the person who puts themselves in danger?"

The complainant submitted that "it was not appropriate for the presenter to blame an alleged victim of sexual assault for the fact that she was raped" and that it is "offensive and harmful". The complainant also took issue with the fact that "only after 24 hours of uproar" did the broadcaster Newstalk issue an apology. In response, the broadcaster stated that the day after the initial broadcast, the presenter and Newstalk had issued an apology for the on-air remarks. Two days later, the presenter while on-air, had issued a further, more detailed, apology. Newstalk had stated on 22 September 2017, after an internal investigation had been concluded, that George Hook would be stepping down from his lunchtime slot.

In assessing the complaint, the BAI Compliance Committee stated that broadcasters are "obliged to have due regard for audience expectations and, in live programming, take timely corrective action where unplanned content is likely to have caused offence. The Committee also observed that broadcasters are required to take due care when broadcasting content with which audiences may identify and which can cause distress, particularly in relation to content such as

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sexual violence. Taking these obligations into account, the Committee observed that the High Noon programme and its presenter's sometimes provocative style are well established and understood by the audience. The Committee also recognised that it is permissible in broadcasting to deal with the question of personal responsibility in covering issues of crime and criminal behaviour. However, the Committee was of the opinion, that “this topic was raised in the programme in the context of a then ongoing UK court case about rape, and the issue of personal responsibility was described by the presenter as “the real issue in this matter”. As such, the Committee believed “that the manner and context of raising the issue of personal responsibility in the context of a specific case of alleged rape caused undue offence and there was a strong possibility of causing distress to audience members who might personally identify with this issue.” The Committee acknowledged that the broadcaster “subsequently undertook remedial action” and had “accepted the substance and validity of the complaint.” It also remarked that “the presenter explicitly stated that he did not condone rape.” However, the Committee were of the opinion that the broadcaster had a responsibility to take greater care to prevent the possibility of undue offence and harm, including taking timely corrective action where content is likely to have caused offence.

Broadcasting Authority of Ireland, Broadcasting Complaint Decisions, 6 February 2018, p. 30

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