[IE] Current Affairs programme on Transgender did not breach Broadcasting Codes

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On 24 September 2019, the Broadcasting Authority of Ireland (BAI) issued a decision rejecting three complaints relating a programme on the issue of transgender. The BAI's Compliance Committee (unanimously) found that the public service broadcaster, RTÉ, had not infringed the requirements of the Broadcasting Act 2009 the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, or the Code of Programme Standards in the broadcast.

The decision concerned an episode of "Prime Time", a well-known current affairs programme broadcast twice weekly by the public broadcaster RTÉ on its RTÉ One television channel at 9.35pm. The programme in question was broadcast on the evening of 22 January 2019 and focused on the topic of young people who sought to change gender; it featured ten contributors representing a range of views on transgender rights.

A total of three complaints were made to the BAI about the programme, arguing, inter alia, that the programme "lacked objectivity based on the mix of contributors and how the discussion was framed" and that "some of the contributors did not have any relevant expertise or experience on the subject matter." Another complainant argued that the programme "mispresented facts, failed to be fair and was harmful to transgender people."

In response to the complaints the broadcaster RTÉ asserted that the programme had aimed to examine two issues: firstly, the implications of Ireland having passed the 2015 Gender Recognition Act, and secondly, the proposals to allow minors to change gender. Having regard to the complaint in relation to the choice of contributors, RTÉ emphasised "the important role commentators play in public debate" and asserted that it considered "it wrong to limit contributions to people with personal experience or expertise", adding that the "contributors represented a range of views on the issues being examined in the programme."

The complaint was lodged under section 48(1)(a) of the Broadcasting Act 2009 and Rules 4.1 and 4.2 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which provide that broadcasts concerning current affairs – including matters that are either the subject of public controversy or the subject of current public debate – must be fair to all interests concerned and that

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the broadcast matter must be presented in an objective and impartial manner and without any expression of the presenter's own views. In addition, the BAI also considered the complaints with a view to Principle 5 of the BAI Code of Programme Standards, which requires that "the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity."

In reaching its decision, the BAI Compliance Committee acknowledged the "sensitive nature" of the subject explored in the programme; however, in considering the programme "in whole and in context", the Committee noted that "the topic was explored through interviews with a variety of contributors and that a range of views were presented"; accordingly, the Committee "considered that the subject matter was treated fairly."

The Compliance Committee also acknowledged that while some comments made by contributors had been "controversial", the presenter had provided adequate context for the topic and had outlined the nature of the discussion at the outset of the programme. Moreover, the Compliance Committee noted that the presenter had also issued an oral warning, stating that "some viewers may find the content difficult or distressing." Consequently, the Committee considered that "audiences were likely to expect the inclusion of some contentious views." The Committee did not find evidence to support the view that the programme had supported discrimination against transgender people.

In light of those considerations, the BAI Compliance Committee concluded that there had been no infringement of the requirements of the 2009 Broadcasting Act, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, or the Code of Programme Standards.

Broadcasting Authority of Ireland, Broadcasting Complaints Decisions, 24 September 2019, pp 4-9

https://www.bai.ie/en/latest-broadcasting-complaints-decisions-published-36/

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