



**Complaint made by: Mr. Paul Moloney**

**Ref. No. 143/14**

**Station:**

RTÉ Radio One

**Programme:**

Saturday with Brian Dowling

**Date:**

1<sup>st</sup> November 2014

Mr. Moloney's complaint is submitted under the Broadcasting Act 2009, Section 48(1)(a)(fairness, objectivity & impartiality in current affairs), *Code of Fairness, Objectivity and Impartiality in News and Current Affairs* (Rule 4.19).

The complainant states that during the programme, in the context of a question to a programme panellist, the presenter made reference to research (which the presenter stated had been cited previously by The Iona Institute), that:

*"...suggests that those children who might be in gay parenting unions, that they would be disadvantaged vis-a-vis for instance their educational situation, vis-a-vis that they might be more prone to, or statistically more subject to being abused – physically, mentally or sexually".*

The complainant states that the research referenced by presenter is by Child Trends, a U.S. non-profit, non-partisan research centre. The complainant states that the Child Trends research did not include same-sex parents and, in his opinion, the interpretation of this research by The Iona Institute does not support the conclusions stated by the presenter in the context of his question. The complainant states that he had previously contacted Child Trends and their VP of Strategic Communication emailed him to specifically state the following:

*"This Child Trends brief summarizes research conducted prior to 2002, when neither same-sex parents nor adopted parents were identified in large national surveys. Therefore, no conclusion can be drawn from this research about the well-being of children raised by same-sex partners or adoptive parents".*

In this context, the complainant states that the presenter made the incorrect claim that there is research that suggests gay people are the worst parents even though there is, according to the complainant, no research to support this conclusion. The complainant states that RTÉ is wrong and not impartial nor objective in repeating as fact what he describes as this interpretation of the Child Trends research.



### **Broadcaster's Response:**

#### **Initial response to complainant:**

RTÉ states that the presenter referenced a paper published on The Iona Institute's website '*Child Trends by Family Structure*' and said:

*"And just on one point, Rónán, I want to ask you, when this debate gets up and running in the weeks and months ahead, is the issue around the position of children in a gay parenting marriage compared to a biological union, is that going to become a big issue in your view particularly around? I know that groups like the Iona Institute have cited research that suggests children who might be from gay parenting unions, that they would be disadvantaged vis a vis their educational situation, vis a vis they might be prone to or statistically more subject to being abused physically, mentally or sexually – do you think these issues are going to form part of this campaign?"*

RTÉ state that the presenter, as part of his role as facilitating and developing the discussion on behalf of the listener, referred to a paper published by an organisation which has a prominent role in the debate. He did not endorse the views contained in that paper but accurately and properly attributed them to the organisation responsible for publishing it when asking a panellist if he thought the issues raised in the paper were likely to be raised in a referendum campaign. The broadcaster states that the presenter did not quote from the Child Trends section of the *Child Abuse by Family Structure* published by The Iona Institute.

#### **Response to BAI:**

RTÉ state that the discussion on constitutional change in respect of marriage included a range of opinions on the topic, both for and against such a change. Addressing a question to one of the panelists, Senator Rónán Mullen, the presenter said:

*"And just on one point, Rónán, I want to ask you, when this debate gets up and running in the weeks and months ahead, is the issue around the position of children in a gay parenting marriage compared to a biological union, is that going to become a big issue in your view particularly around – I know that groups like The Iona Institute have cited research that suggests that those children who might be from gay parenting unions that they would be disadvantaged vis a vis their educational situation, vis a vis they might be prone to or statistically more subject to being abused physically, mentally or sexually – do you think those issues are going to form part of this campaign?"*



The broadcaster states that in doing so, the presenter, as part of his role in facilitating and developing the discussion on behalf of the listener, was referencing at least two publications by The Iona Institute, an organisation which has a prominent role in the debate on constitutional change in respect of marriage. For example, The Iona Institute's publication '*Child Abuse by Family Structure*' states:

*"Research shows that the family in which children are least likely to be abused is the family headed by married, biological parents, that is, by a child's natural mother and father.*

*"This is demonstrated by one of the most comprehensive studies ever conducted on this topic, namely a report to the US Congress in 2010 called the Fourth National Incidence Study of Child Abuse and Neglect."*

Further, the Iona Institute's publication '*Made for Children*' states:

*"Those who claim that same-sex couples and married opposite-sex couples should be treated identically must demonstrate that there is no advantage to children in encouraging men and women to marry. They must also demonstrate that children have no right to be raised by their own mother and father, even as a matter of first principle.*

*"Only after demonstrating that there is no relevant difference between opposite-sex couples and same-sex couples, especially from the point of view of children, and that the right to a mother and father where possible does not exist, can same-sex marriage be justified."*

In that context, the broadcaster states that The Iona Institute's publication *Made for Children* goes on to cite research by the *Institute for Marriage and Public Policy* claiming to show that children not raised by married opposite-sex couples are disadvantaged, including educationally.



The broadcaster states that this research is summarized in The Iona Institute's publication as follows:

***“Do Mothers and Fathers Matter?: The Social Science Evidence on Marriage and Child Well-Being by Maggie Gallagher & Joshua K. Baker***  
*Institute for Marriage and Public Policy, 27th February 2004*

*Summary:*

*Marriage is an important social good associated with an impressively broad array of positive outcomes for children and adults alike.*

*The authors conclude that children in intact married homes are less likely to:*

- *suffer child poverty,*
- *suffer sexual and physical child abuse,*
- *suffer physical and mental ill-health,*
- *misuse drugs*
- *commit crime,*
- *suffer educational and employment disadvantage,*
- *become divorced or unwed parents themselves.*

*Communities where good-enough marriages are common have better outcomes for children, women, and men than do communities suffering from high rates of divorce, unmarried childbearing, and high-conflict or violent marriages.”*

RTÉ state that the presenter did not endorse or support the views expressed by The Iona Institute in these publications or the research cited by the Institute in the publications. Asking the panelist if the views expressed by the Institute in such publications were likely to become issues in the developing debate on constitutional change, he accurately attributed them to the organisation responsible for publishing them.

The presenter did not, as the complaint alleges, make *“the factual claim that there is research and that it suggests gay people are the worse parents.”* As indicated in the verbatim transcript above and the audio recording, and confirmed by the publications of The Iona Institute, he said, as a matter of accurate fact, that *“groups like the Iona Institute have cited research”* and went on to ask, *“do you think those issues are going to form part of this campaign?”*. His clear attribution of the citation of research did not misrepresent the facts in any way, and therefore could not have misled listeners or resulted in any misunderstanding.



Indeed, RTÉ claim that the presenter's question to the panelist could be seen as an example of the principle captured in Rule 22 of the *BAI Code of Fairness, Objectivity & Impartiality in News & Current*.

**Decision of the Compliance Committee: Reject (Unanimous)**

The Committee considered the broadcast and the submissions from the complainant and the broadcaster. Following a review of the material, the Committee has decided to reject the complaint. In reaching this view, the Committee had regard to the Broadcasting Act 2009, Section 48(1)(a)(fairness, objectivity & impartiality in current affairs), *Code of Fairness, Objectivity and Impartiality in News and Current Affairs* (Rule 4.19).

In this regard:

- In considering complaints the Compliance Committee has regard to a programme in whole and in context. For this reason, that aspect of the programme that was the focus of the complaint was reviewed in the context of the discussion as a whole and not in isolation. It was evident from a review of the programme that the reference to the research cited by the programme presenter was situated within a broader discussion on the possibility, at that time, of a referendum being held to change the Irish constitution to permit same-sex marriages.
- In considering the complaint the Committee did not consider the content of the Child Trends Report. Rather, the Committee considered whether the reference by the presenter was fair, objective and impartial and in this regard it noted that in raising this research, the presenter did not endorse or support the research or its findings but rather used the citation of the research by an organisation on record as being opposed to same-sex marriage (The Iona Institute) as the context for a question directed towards Senator Rónán Mullen and the panel in general.
- While noting that there are a range of views (some of which are contested) about the research referenced by the presenter, the Committee was of the view that the programme was not an examination of the research and its findings but rather had the intention of situating the use of the research in the context of any forthcoming debate on changes to the Irish Constitution. This was evident given that the presenter did not specifically name the research publication or the authors. For this reason, it was not necessary, as a means to ensuring compliance with the Broadcasting Act or the BAI's codes, to examine or challenge the interpretation by any party of the research and its findings in the context of this particular programme.



- In view of the above, it was the opinion of the Committee that the programme did not infringe the Broadcasting Act 2009, Section 48(1)(a)(fairness, objectivity & impartiality in current affairs) and *Code of Fairness, Objectivity and Impartiality in News and Current Affairs* (Rule 4.19) in the manner specified by the complainant. Accordingly, the complaint has been rejected.

Signed: pp. Neil O'Brien Date: 20/04/2015  
Chairperson, Mr. Patrick Gageby