

## FREEDOM OF THE PRESS



# Ireland

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Press freedom is guaranteed in Ireland's 1937 constitution and is generally respected in practice. However, archaic defamation laws are still in place, under which journalists remain guilty until proven innocent. In November 2011, the national public broadcaster, Radio Telefís Éirean (RTÉ), agreed to settle a case with a priest who claimed he had been wrongly accused in a Prime Time Investigates broadcast of raping a minor and fathering her child while a missionary in Kenya. RTÉ was set to print the first public correction for this story under the 2009 Defamation Act. In 2010, former Fine Gael minister Michael Lowry claimed that he had been defamed by journalist Sam Smyth under Section 34 of the Defamation Act, saying that Smyth's assertions "portrayed him as corrupt, dishonest, and untrustworthy." In October 2011, Smyth successfully defended himself against the defamation charge, with a judge ruling that Lowry should pay tens of thousands in legal costs to Smyth. Lowry planned to appeal to the high court, but the case was still pending at year's end.

A 2010 Defamation of Religions law established blasphemy as a punishable offense, with fines of up to €25,000 (\$32,500). Article 36 of the statute states that "a person publishes or utters blasphemous matter if he or she publishes or utters matter that is grossly abusive or insulting in relation to matter held sacred by any religion, thereby causing outrage among a substantial amount of the adherents of that religion, and he or she intends, by the publication or utterance of the matter concerned, to cause such outrage." This law also included new grounds for defense against such charges and the option for media outlets to issue an apology without the assumption that they are admitting libel. Discussion to remove the blasphemy ban from the constitution continued in 2011, but the statute remained on the books at year's end. In October, a proposed constitutional referendum to award parliament the power to make inquiries into issues of public interest raised concern among journalists who feared the change would force them to release confidential sources and information.

The Broadcasting Act of 2009 established the Broadcasting Authority of Ireland, which is mandated to oversee the public service broadcasters, allocate public funding, and promote accountability. This act expands the role of the former Broadcasting Commission of Ireland, which previously had no responsibility for public service broadcasting. In 2008, the Press Council of Ireland and the Office of the Press Ombudsman were set up to safeguard and promote professional and ethical standards of newspapers and periodicals. Journalists can generally report freely without harassment and without having to exercise self-censorship. Cases of physical attacks or harassment of journalists are rare.

Ireland has a strong and competitive print news media, with the privately owned *Irish Independent* and the *Irish Times* leading the way. RTÉ dominates the radio and television sectors, but provides a comprehensive and balanced news service. RTÉ does receive competition from both private and public British television. As of 2011, there were 54 licensed independent radio

## 2012 SCORES

### PRESS STATUS

**Free**

### PRESS FREEDOM SCORE

**16**

### LEGAL ENVIRONMENT

**4**

### POLITICAL ENVIRONMENT

**6**

### ECONOMIC ENVIRONMENT

**6**

stations. Cross-ownership is allowed within certain limits, with publishers allowed to own up to 25 percent of a broadcast outlet. Today FM's editorial independence was challenged in 2011 by the National Union of Journalists of Ireland after the announcement that investigative journalist and broadcaster Sam Smyth's longtime Sunday radio program would be taken off air. Smyth alleged that it was the result of his criticism of Today FM's owner, Denis O'Brien. During the Moriarty Tribunal, a public inquiry into tax evasion committed by a number of politicians and businessmen, Smyth had given evidence showing that O'Brien had paid Lowry to help win a mobile phone contract for Esat Digifone. In October, journalist Eamon Dunphy resigned from his radio show on Newstalk—a national independent broadcaster—after receiving a 50 percent pay cut, which Dunphy argued was a punishment for his criticism of O'Brien and the sacking of Smyth. Dunphy claimed that Newstalk journalists had been intimidated by management and had been encouraged to produce more favorable news.

Approximately 77 percent of the Irish population accessed the internet in 2011, and internet use is unrestricted by the government. A defamation case brought against Google Ireland by the owners of the Ballymascanlon House Hotel in County Louth began in November 2011. The hotel's owners alleged that the word "receivership" was automatically generated following their hotel's name in Google searches, insinuating that the hotel was in financial trouble. The case was settled out of court, and the terms were not made public.

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