[FR] ARCOM fines C8 EUR 50 000 for broadcasting report infringing disabled people's rights to image, honour and reputation

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The so-called 'zombie drug' xylazine was the subject of a report broadcast during an episode of "PAF avec Baba" on C8 on 12 September 2023. The programme's presenter introduced the topic as follows: "Two videos have recently gone viral [...] where several people can be seen in the streets of Rouen, in the middle of France, behaving like zombies. According to the makers of the video, they had consumed xylazine, a drug that makes its users resemble zombies [...]". Images of people allegedly under the influence of the drug were then shown several times. In one of the videos, a person's face was visible without any attempt to disguise it, while another person was shown from behind.

The two people shown in the video were disabled and the manifestations of their disability were presented on air as the result of drug use. They were also recognised by shopkeepers and family members, mainly because of the mention of the town and the failure to disguise their identities.

According to Article 2-3-4 of the channel's licence agreement, the broadcaster must "respect the rights to privacy, image, honour and reputation as defined by the law and case law".

In ARCOM's view, the broadcaster's actions were likely to harm the rights of the individuals concerned to privacy, image, honour and reputation, and therefore violated its licence agreement in spite of a correction that was broadcast in the following day's episode.

Pursuant to Article 42-2 of the Law of 30 September 1986 and having regard, on the one hand, to the nature and seriousness of the offence committed, especially as it targeted people in a highly vulnerable situation and, on the other, to the previous penalties imposed for past violations of the same obligation to respect the personal rights set out in Article 2-3-4 of the channel's licence agreement, ARCOM imposed a fine of EUR 50,000 against the C8 company.

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Décision n° 2024-447 du 29 mai 2024 portant sanction pécuniaire à l'encontre de la société C8, JO du 14 juin 2024

Decision no. 2024-447 of 29 May 2024 fining the C8 company, OJ of 14 June 2024

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