European Court of Human Rights: *Société d'Exploitation d'un Service d'Information - CNews v. France*

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In a judgment of 18 June 2026, the European Court of Human Rights (Fifth Section) held that the right to freedom of expression of a French national television channel had not been violated as a result of a formal notice by the French Audiovisual and Digital Communications Regulatory Authority (*Autorité de régulation de la communication audiovisuelle et numérique* – ARCOM) requiring the channel to comply with its broadcasting licence obligations to ensure the accuracy, honesty and plurality of information in the future.

The case arose from statements made by Professor P., an infectious disease specialist, during an edition of the show, *Les points sur les i*, which was broadcast by the television channel CNews on 21 November 2021. Professor P. was well known for his alternative views on the COVID-19 pandemic and the effectiveness of certain vaccinations and was invited as the sole guest in a particular discussion on the show precisely because of his views on such matters. He was introduced as a specialist who is seldom invited to participate in mainstream media discussions due to the nature of his views. He made various controversial and unfounded statements during the show, which were met with only limited reaction by the hosts.

Following those statements, ARCOM served a formal notice on CNews, requiring it to comply with its obligations to ensure honesty and accuracy in the presentation and treatment of information, to guarantee that differing viewpoints on controversial issues were expressed, and, in all circumstances, to retain control over its broadcasting output. More specifically, ARCOM took issue with the following points:

While Professor P. was the only medical professional on the show, some of his statements, which "clearly did not reflect the reality of the health situation in France or the medical knowledge available at the time," were "not sufficiently challenged by those present on the set".

This concerned Professor P.'s denial of the existence of a fifth wave of COVID-19 and his claim that the epidemic in France was effectively over. Contemporary World Health Organization figures showed a very sharp increase in the number of new cases in France – more than tripling to 20,847 between 1 and 20 November

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2021 – prompting the national Scientific Council (*Centre national de la recherche scientifique* – CNRS) to issue an advisory warning about the epidemiological situation on 20 November 2021 (the day before the show was broadcast).

It also concerned Professor P.'s assertion that the use of hydroxychloroquine, azithromycin, and ivermectin (an antimalarial, an antibiotic, and an antiparasitic drug, respectively) to treat patients with COVID-19 would have prevented all deaths.

Furthermore, ARCOM found that CNews failed to meet its obligation to present diverse viewpoints on controversial issues, notably in respect of Professor P.'s claim that messenger RNA (mRNA) vaccines are experimental therapeutic substances that alter cells, leading to a surge in side effects, including, according to him, deaths. As no one challenged this assertion, ARCOM concluded that Professor P. "spoke in an extremely dogmatic manner about the consequences of administering mRNA vaccines on the human genome, without his thesis being discussed by those present; only his opinion was presented, resulting in a marked imbalance in the coverage of the subject – a topic whose controversial nature required the expression of various points of view."

In light of the above, ARCOM inferred a failure to maintain control over the broadcast, noting that "the guest's various remarks, taken as a whole, did not elicit a sufficiently strong reaction from those present on set during the segment."

CNews unsuccessfully sought to have ARCOM's notice annulled by the Council of State (*Conseil d'État*). The company then lodged an application at the European Court of Human Rights (hereafter, the Court).

The Court held that the formal notice was not a "sanction" in the sense of Article 10 ECHR, but rather a condition on the exercise of the right to freedom of expression insofar as it sought to discourage any future repetition of the conduct for which the company was reproached. The notice nevertheless constituted an interference with the right to freedom of expression, which was provided for by law, more specifically in relevant provisions of the Law on Freedom of Communication of 1986 and relevant provisions of its broadcast licence agreement. The legitimate aims pursued were the protection of health and the protection of the rights of others.

When assessing the necessity of the interference, the Court underlined that a current affairs programme discussing the COVID-19 pandemic and how the authorities were managing the pandemic was a contribution to a debate of general interest, which attracts a high level of protection under Article 10 ECHR, leaving a reduced margin of appreciation for States. It considered that CNews' duties and responsibilities under Article 10(2), as the publisher of an audiovisual communication service, include ensuring honesty and rigour in the presentation

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and handling of information, providing for the expression of diverse viewpoints on controversial issues, and maintaining control over its broadcasts at all times.

The Court noted that Professor P.'s statements denying the existence of the fifth wave of COVID-19 in France and his unfounded claim that certain drugs would have prevented all deaths did not elicit a reaction from the presenters. Professor P.'s claims about the mRNA vaccines did elicit opposition to the assertion that the vaccines had caused deaths. The episode concluded with a disclaimer that Professor P. was speaking only for himself and that he alone was responsible for his views.

The Court acknowledged that, while this disclaimer did put Professor P.'s points into "a more relative perspective", it remained relevant that Professor P. was the only scientist on the panel and that he had been introduced in glowing terms at the start of the programme as a "leading expert on vaccines" – someone who was no longer heard from in the media because he had expressed reservations regarding the "excessive dramatization [of the] health panic" and the vaccination policy. Furthermore, the Court held that "the overtly polemical titles of two recent books by the guest – both concerning COVID-19 and mentioned by the show's host – should have served as a warning that he might make controversial remarks on air, thereby highlighting the need for effective, well-reasoned moderation".

CNews pointed out (although not during the proceedings before ARCOM or the Council of State) that it had included perspectives from various medical specialists on the COVID-19 pandemic in its wider current affairs programming during the relevant period.

The Court noted that, while these elements showed that views regarding the efficacy of vaccination and the existence of a fifth epidemic wave in November 2021 – which differed from those of Professor P. – were indeed broadcast on the CNews channel, "this merely broadened the scope of the debate the channel had initiated on these topics". However, it held that it did not follow that the same was true for Professor P.'s controversial claims concerning the efficacy of treating COVID-19 with hydroxychloroquine, azithromycin, or ivermectin. Moreover, the Court noted that "the context of the case includes the fact that the contentious remarks were made on a free-to-air television channel on a Sunday at approximately 7:15 p.m. by an infectious disease professor – who was introduced at the start of the programme with high praise as "a leading specialist in vaccines" – that is to say, during prime time, by an individual presented as an expert". The Court therefore took into account the Government's argument that Professor P.'s "controversial assertions on a sensitive public health issue could have had a significant impact on the public, even though views contrary to those of Professor P. were expressed on the same subject in other programmes broadcast on CNews".

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In a majority decision of five votes to two, the Court found that CNews' right to freedom of expression had not been violated.

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