[FR] CSA fines CB three million euros for broadcasting homophobic hoax

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The final decision has been made. On 26 July 2017, the national audiovisual regulatory authority (Conseil Supérieur de l'Audiovisuel - "CSA") imposed a fine of three million euros on the television channel C8 in respect of the programme "Touche pas à mon poste". The fine relates to a sequence broadcast on 18 May during which Cyril Hanouna, the presenter of the programme "Touche pas à mon poste", tricked a number of homosexuals live on air after posting a fake advertisement on a dating website. These people had not been informed of the identity of the person contacting them and some of them, believing themselves to be taking part in a private conversation, revealed in public items of information about their private lives and sexual activities.

The CSA noted that the editor had not set up any technical procedure intended to protect their identity and their privacy by rendering them unrecognisable. This constituted a breach of the obligations laid down in the agreement requiring the channel to respect "personal rights regarding privacy [and] the use of a person's image and his/her honour and reputation, as laid down by law and upheld by jurisprudence".

The CSA also noted that throughout the sequence the presenter had used many clichés and stereotypical attitudes regarding homosexual people with the aim of presenting a caricature. The sequence had had the effect of stigmatising a group of people on the basis of their sexual orientation, which manifestly runs counter to the stipulations laid down in the channel's licence, under which the editor is required to "promote the values of integration and solidarity upheld by the French Republic and to combat discrimination".

The CSA pointed out that it had received nearly 47,000 complaints about the programme. Since 2015 it has handled sixteen cases and ruled that there was nothing wrong with four sequences, in view of the fact that each respective broadcast had been meant to be humorous. It has also issued three warnings and two formal notices, in addition to sending the channel a number of initial notifications. Early in June, the CSA had already announced a three-week suspension of advertising on C8. (C8 retaliated by referring the matter to the Conseil d'Etat (French Council of State), requesting the quashing of the decision and thirteen million euros in damages.)

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In the light of the above, and by virtue of Article 42-2 of the Act of 30 September 1986, the CSA considered that the gravity of the facts of the matter with regard to this disputed sequence justified a fine of three million euros.

CSA, Décision n° 2017-532 du 26 juillet 2017 portant sanction à l'encontre de la société C8

http://www.csa.fr/content/download/236924/632066/file/CSA_2017_07_26_12_56_55.pdf

CSA, Decision No. 2017-532 of 26 July 2017 fining the company C8

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