[FR] Reporting on current criminal proceedings: France Télévisions called to order

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At its plenary assembly on 11 April 2018, the French national audiovisual regulatory authority (Conseil Supérieur de l'Audiovisuel - CSA) issued formal notice to France Télévisions to abide by the provisions of its contractual specifications with regard to the particular attention required when broadcasting news in connection with ongoing criminal proceedings. Referral had been made to the CSA following the broadcasting during the Envoyé Spécial programme last December of an item on women who had brought a complaint after being raped or sexually assaulted by their hierarchical superior. The larger part of the item was devoted to the case of one woman who had accused a (male) politician of group rape and who was a civil party to a case being heard at that time in the criminal courts that was receiving substantial attention in the media.

After examining the sequence at issue, the CSA found that there was no particular challenge to the presumption of innocence in favour of the accused party. It did find, however, that the combination of the credit given to the woman who was a civil party to the case, the replies of witnesses to questions, and the off-camera comments had rendered the report unbalanced, as its main focus had been on the charges brought against the politician in question.

Article 35 of France Télévisions' contractual specifications specifically provides that: "When current legal proceedings are referred to on air, the company must ensure, in its overall treatment of the case, that the case is treated in a measured manner [and with meticulousness and honesty; treatment of the case must not hamper the proceedings; and pluralism must be ensured by presenting the various submissions in the case, in particular by ensuring that the parties concerned or their representatives are given the opportunity to make their views known."

The CSA considered that the lack of a measured approach in referring to a current court case during a report, particularly as it had been broadcast just hours after the civil party concerned had been heard and before the jury had deliberated, constituted a failure to abide by these provisions, and consequently issued a formal notice against the public-sector audiovisual group.

CSA, décsion du 11 April 2018

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http://www.csa.fr/Espace-juridique/Decisions-du-CSA/Diffusion-du-reportage-Celle-qui-accuse-dans-Envoye-special-mise-en-demeure-de-France-Televisions

CSA, decision of 11 April 2018

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