[FR] Conseil d'État confirms CSA sanction against Radio Courtoisie after broadcast of discriminatory comments

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Following several comments made in 2015 and 2016 on Radio Courtoisie, a far-right radio station regularly examined by the regulator due to on-air infringements, the national audiovisual regulatory authority (Conseil Supérieur de l'Audiovisuel - CSA) imposed a fine of EUR 25,000 on the company holding the license. The fine was imposed for infringing its obligations under Articles 2(4) and 2(10) of its licence of 8 February 2012, concerning incitement to racial or religious discrimination and control of the station respectively. The radio station asked the CSA to lift this sanction.

As the CSA mentioned in the disputed decision, during the programme 'Le libre journal d'Henry de Lesquen', broadcast on Radio Courtoisie on 5 October 2015, the host (who is also the station director) presented a "ten-point vade-mecum on human races", stating in particular that "races are not and cannot be equal because equality is not part of nature" and that the growth of the "black population" in France, which he described as the "melanisation of France", "is absolutely incompatible with the maintenance of France's identity". During the edition broadcast on 15 February 2016, he also claimed that there was a "tolerance threshold" above which the arrival of a "black population" in a district would lead to the departure of the "white population". On 28 March 2016, one of his guests said that Islam was "a terrible religion, [...] a religion of hatred". The CSA held that these repeated comments, which had not been contradicted or toned down, were likely to incite discriminatory conduct towards people "on account of their real or alleged membership of a particular ethnic group, nation, race or religion", within the meaning of the provisions of the station's licence.

The Conseil d'État ruled that the CSA had lawfully concluded that, by broadcasting these comments, the producing company had disregarded its obligations under its licence. It had also correctly decided that the guest's comments showed that the licensee had failed to meet its obligation to control the station. Therefore, the Conseil d'État ruled that, in view of the powers devolved to the CSA, which the legislator had entrusted with the task of ensuring that audiovisual programmes conveyed an image of French society free of prejudice, and in the light of the aforementioned facts and the radio station producer's obligations, the decision to impose a sanction had not disproportionately restricted freedom of expression.

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Conseil d'État (5e et 6e ch. réunies), 17 décembre 2018 - Comité de défense des auditeurs de Radio Solidarité

http://arianeinternet.conseil-etat.fr/arianeinternet/ViewRoot.asp?View=Html&DMode=Html&PushDirectUrl=1&Item=1&fond=DCE&texte=radio+solidarit%E9&Page=1&querytype=simple&NbEltPerPages=4&Pluriels=True

Conseil d'État (5th and 6th chambers combined), 17 December 2018 - Comité de défense des auditeurs de Radio Solidarité

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