Television channel met its obligations in rape complaint reports

IRIS 2020-2:1/7

Amélie Blocman
Légipresse

On 14 June 2018, the television channel BFM TV broadcast two news items, each several minutes long, in which a journalist reported that a rape complaint had been filed against a lawyer and former French MP, who was an MEP at the time, as well as an interview with the complainant, who remained anonymous, and the captions “Laetitia, plaignante contre Gilbert C...” (“Laetitia, complainant against Gilbert C...”) and “C... accusé de viol, il dément” (“C...accused of rape, he denies it”).

Following the broadcast, the accused asked the *Conseil supérieur de l’audiovisuel* (French national audiovisual regulatory authority – CSA) to suspend BFM TV’s broadcasting licence for three months, to issue a formal notice requiring the channel to respect its obligations under Articles 2-3-4, 2-3-8 and 2-3-10 of its agreement with the CSA, to refer to the public prosecutor facts relating to concealment, violation of professional secrecy and violation of the secrecy of an investigation, and to publish its decision in the official gazette. After the CSA refused his request, he asked the *Conseil d’Etat* to annul its refusal decision.

The applicant claimed, firstly, that the channel had breached the terms of its agreement by failing to indicate the source of the information concerning the rape claim against him.

The Conseil d’Etat noted that, under Article 2-3-8 of the agreement, “The honesty requirement applies to all programmes. / The broadcaster must verify the validity and sources of all news stories. As far as possible, the source should be indicated. Information that is unconfirmed should be reported in the conditional tense. / The broadcaster must demonstrate rigour in the presentation and processing of information.” In view of the provisions of Article 2 of the Act of 29 July 1881 on the freedom of the press, which states that “the confidentiality of journalists’ sources is protected in the exercise of their public information remit”, it ruled that the aforementioned stipulations of the agreement did not, in this case, oblige BFM TV to indicate the source of the information concerning the rape allegation made against the applicant.

Moreover, contrary to the applicant’s claim, the journalists’ refusal to inform him of the complainant’s identity had not prevented him from defending himself

© European Audiovisual Observatory (Council of Europe) 2026

against the accusations, as demonstrated by the arguments put forward in his defence during the television programme. Finally, the channel had invited the applicant to give his observations before each of the disputed reports was broadcast.

Secondly, the applicant argued, in support of his request, that the channel had breached the terms of its agreement concerning the broadcast of programmes, images or words concerning court proceedings or facts likely to give rise to a judicial investigation. However, according to the Conseil d'Etat, the documents in the case file showed that the disputed reports had described the rape claim in a restrained and neutral manner, showing prudence when describing the facts that could constitute a criminal offence and presenting the points of view of the accused and the complainant in a balanced way. The journalist had also stressed the need to treat the information with caution, since the preliminary investigation had only just been opened and the alleged offence dated back more than ten years.

By refusing to issue a formal notice to BFM TV because it had not breached its obligations, the CSA had therefore acted correctly and the applicant was therefore not entitled to ask for the disputed decision to be annulled.

Conseil d'État, 5e et 6e ch. réunies, 13 novembre 2019, n° 425933, M. C.

https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT000039379825&fastReqId=486437976&fastPos=18

Conseil d'État, 5th and 6th chambers combined, 13 November 2019, no. 425933, M. C.

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026