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## France

**Country:**

France

**Year:**

2016

**Press Freedom Status:**

Free

**PFS Score:**

28

**Legal Environment:**

6

**Political Environment:**

15

**Economic Environment:**

7

### Overview

France has a strong tradition of independent journalism and a generally free media environment. However, defamation cases and new security laws have raised concerns about the legal framework for the media in recent years, and the terrorist attacks of 2015 represented a dramatic escalation in violence against journalists.

### Key Developments

- On January 7, 2015, two gunmen affiliated with Al-Qaeda in the Arabian Peninsula stormed the offices of the satirical weekly magazine *Charlie Hebdo*, killing 12 people.
- Following the attack, the government pushed through legislation allowing mass surveillance of personal communications with little judicial oversight, and authorities arrested 54 people for hate speech or for allegedly defending terrorism.
- A high-profile defamation case ended with the acquittal of the respected newspaper *Le Monde* and its journalists.
- After a major terrorist attack in Paris in November, the government declared a state of emergency and secured the authority to block internet communications that would enable terrorist acts.

**Legal Environment: 6 / 30 (↓1)**

The constitution and governing institutions in France support an open media environment, although certain laws limit aspects of press freedom and freedom of expression in practice. The penal code punishes efforts to justify war crimes and crimes against humanity, as well as incitement to discrimination and violence. Holocaust denial is a crime under the 1990 Gayssot Act.

Strict defamation laws impose fines on those found guilty. In 2013, a provision of the press code that mandated a €45,000 (\$50,000) fine for insulting the president was repealed after the European Court of Human Rights (ECHR) found that it violated freedom of expression. However, the repeal did not affect a provision—which remained in place in 2015—that applies the same penalty to defamation of public officials.

Defamation laws are often used to pressure journalists, although prominent cases were decided in favor of free expression in 2015. In April, the ECHR found that a defamation verdict against lawyer Olivier Morice, the publication director of *Le Monde*, and a *Le Monde* journalist had violated the European Convention on Human Rights. The three had been found guilty of defamation in 2008 after excerpts from a letter Morice had submitted to the justice minister, about two judges overseeing a case, were printed in an article in *Le Monde*. France was required to pay €33,670 (\$37,400) in damages and expenses under the ECHR ruling. Later in the year, *Le Figaro* journalist Ivan Rioufol was acquitted of charges brought in 2013 by the Collective Against Islamophobia in France, which accused him of making defamatory comments on a radio program in late 2012.

A high-profile defamation case that arose in 2014 involved President François Hollande's chief of staff, Jean-Pierre Jouyet, and former prime minister François Fillon. Two *Le Monde* journalists, Gérard Davet and Fabrice Lhomme, alleged in a book that Fillon had encouraged Jouyet to expedite an investigation into former president Nicolas Sarkozy—who was accused of misappropriating party funds—in order to derail Sarkozy's campaign for the 2017 presidential election. Both Fillon and Jouyet denied the allegations until *Le Monde* printed excerpts from a recorded conversation between the two men. Fillon filed libel complaints against Jouyet, the journalists, and the paper itself. Fillon also sued the journalists in an attempt to obtain access to the recording that substantiated the report, despite regulations designed to protect journalists' sources. In July 2015, *Le Monde*, its journalists, and Jouyet were acquitted of all charges.

The Law on Guidelines and Programming for the Performance of Internal Security allows websites suspected of containing child pornography to be blocked without a court order. It also allows police to install or remove spyware under judicial oversight. A 2013 programming law gives extensive rights to government agencies to monitor the internet and phone usage of French citizens in real time. The law requires no judicial supervision and provides for broad grounds on which to justify surveillance of an individual.

A counterterrorism law adopted in 2014 came under fire for ambiguous provisions that could limit free speech, especially online. It removed the criminal offenses of publicly inciting or “glorifying terrorism” (*apologie du terrorisme*) from the 1881 press law and added them to the criminal code; accordingly, those broadly defined crimes can be

punished with up to seven years in prison and a €100,000 (\$110,000) fine if committed online. When committed offline, the offenses are subject to five years in prison and a €75,000 (\$83,000) fine. The law also empowers the authorities to ask internet service providers to block sites for glorifying terrorism, and allows the police to use online monitoring and surveillance to detect violators. In the first use of the law, five websites accused of condoning terrorism were blocked in March 2015.

In the aftermath of the January 2015 terrorist attack on *Charlie Hebdo*, the government pushed through an intelligence bill that was widely criticized by press freedom groups for giving the authorities greater power to carry out intrusive surveillance without a court order, including mass surveillance of mobile phones and personal internet data. The legislation was adopted by the parliament in May and approved by the Constitutional Council in July. In October, the rights group Legal Press Association appealed the law to the ECHR, whose decision was pending at year's end.

Separately, in a January crackdown shortly after the *Charlie Hebdo* attack, authorities arrested 54 people for hate speech or for allegedly defending terrorism. Among those detained was controversial French comedian Dieudonné M'bala M'bala, who had posted a comment to Facebook that allegedly sympathized with Amedy Coulibaly, the terrorist gunman behind an attack on a kosher market in Paris on January 9. In a separate case in November, the ECHR rejected Dieudonné's claim that France had violated his right to freedom of expression when it fined him for a 2008 performance in which he invited a notorious Holocaust denier on stage to receive a prize from an actor dressed as a Jewish prisoner in a concentration camp.

On November 13, 2015, Paris suffered a large-scale terrorist attack by the Islamic State (IS) militant group that resulted in the deaths of 130 people. The government imposed a 12-day state of emergency, and the National Assembly then adopted legislation extending it for three months, with a provision authorizing the government to block internet communications that enable terrorist acts, among other emergency powers. At the same time, the National Assembly eliminated a provision from the 1955 law on states of emergency that had allowed the government to impose media controls and authorize searches of media offices without a court order during an emergency.

Although existing laws guarantee access to information, access rights hinge on the protection of a third party's reputation, and requests for information are sometimes denied. In October 2015, an online consultation site was opened to receive public comments on an impending "Digital Republic" bill that includes proposals for guaranteed internet connections for poor families, an open-data policy that would make official documents more accessible online, net neutrality safeguards, and the right to "digital death" of personal data once the person in question dies.

France's regulatory body for electronic media, the High Audiovisual Council (CSA), was granted greater independence under a 2013 law. The president of France appoints the president of the council.

**Political Environment: 15 / 40 (↓4)**

France's media are robust and express a wide range of opinions, largely without restriction. However, economic pressures on the industry and from media owners have encouraged some self-censorship in recent years, and the events of 2015 forced journalists to give additional consideration to issues like personal security and possible surveillance when making decisions about their work. Separately, in November, a radio columnist was dismissed by his employer, allegedly under pressure from the authorities, over a column in which he discussed reported security failures surrounding that month's terrorist attacks.

Journalists generally do not face restrictions on their freedom of movement while reporting in the field. However, reporters and photographers sometimes encounter physical interference or violence by police or protesters when covering demonstrations. The problem arose during at least two events in 2015: a protest against police brutality in Nantes in February and a demonstration organized by the League of Jewish Defense in Paris in October.

The online journal *Mediapart*, which is routinely denied access to events held by the far-right National Front, has experienced increased resistance from the party in recent years. In February 2015, National Front members threatened two journalists from the outlet who were attempting to interview the party's financial representatives.

The terrorist attack on *Charlie Hebdo*, in which eight journalists were murdered, made France second only to Syria for the total number of journalists killed in the course of their work during 2015, according to the Committee to Protect Journalists. Al-Qaeda in the Arabian Peninsula issued a statement to claim responsibility for the attack, citing the satirical magazine's cartoon depictions of the prophet Muhammad as part of its justification. In a sign of broader intimidation, the 17-year-old editor of a school newspaper received persistent death threats after publishing a special issue to show solidarity with the victims of the *Charlie Hebdo* attack.

Cyberattacks have become increasingly common, and several were reported in 2015. One of the worst series of cyberattacks in France's history occurred during the week after the shooting at *Charlie Hebdo*, affecting more than 19,000 websites. Some of the attacks were attributed to Islamist hacker groups. In April, a cyberattack on the television network TV5Monde disrupted its broadcasts as well as its website and social-media accounts.

### **Economic Environment: 7 / 30**

France has a vibrant media environment, with a variety of print, broadcast, and online outlets in operation. Television stations include the three main national public channels as well as a number of private stations. Private radio stations flourish, although public broadcaster Radio France continues to be popular. There are more than 50 daily newspapers, most of which are privately owned. Private print and broadcast media outlets are frequently owned by companies with close ties to prominent politicians and defense contractors. Nearly 84 percent of the population accessed the internet in 2014.

The weak state of the country's economy since 2008 continues to threaten media outlets and often results in layoffs. Radio France employees went on strike for nearly a month

beginning in March 2015, as the station faced an unprecedented €21.3 million (\$23.6 million) deficit and possible layoffs of several hundred employees. The public television channels have been under financial strain since advertisements were eliminated during prime time in 2009.

The state provides both direct and indirect subsidies to the press, including assistance with the costs of distribution, and controls the prices of newspapers. Following calls for greater transparency, the government released figures detailing the extent of its subsidies for the first time in 2014; two of the country's leading newspapers, *Le Monde* and *Le Figaro*, received more than €16 million (\$18 million) each in 2013.

Bribery is not considered a widespread problem in the French media. However, in August 2015 two French journalists, Eric Laurent and Catherine Graciet, were arrested in Paris and charged with extorting money from a representative of King Mohammed VI of Morocco in exchange for not publishing a book containing damaging information about the king.

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