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## Freedom Of The Press - France (2011)

**Status: Free**  
**Legal Environment: 6**  
**Political Environment: 10**  
**Economic Environment: 7**  
**Total Score: 23**

France's constitution and governing institutions provide an open press environment despite certain laws that limit aspects of press freedom in practice. Freedom of information legislation is intact, but there are exceptions in order to protect the reputation or rights of a third party, and requests are often denied. In September 2010, the High Authority for the Dissemination of Creative Works and Protection of Rights on the Internet (HADOPI) went into effect. Under the HADOPI law, which was passed in October 2009, three warnings will be issued to users who illegally download copyrighted material before their access is suspended for up to one year. These users could face additional fines or jail time. In addition to the HADOPI law, in December 2010, the French General Assembly passed its second reading of the proposed Law on Guidelines and Programming for the Performance of Internal Security (LOPPSI 2). The national security law would allow internet-service providers to block sites which are deemed to carry child pornography without judicial consent. It would also give the police the authority to install or remove spyware from computers with judicial supervision. The Senate is expected to pass the law in early 2011.

There are strict antidefamation laws with fines for those found guilty. The law also punishes efforts to justify war crimes and crimes against humanity, as well as incitement to discrimination and violence. Humorist Dieudonné M'bala M'bala was forced to pay a 10,000 euro fine in June for defamation against Licra, an anti-racism organization, for comments printed in the journal *L'Union* in 2009. Also in June, journalist Augustin Scalbert of the news website Rue89 was indicted for playing a video of Nicolas Sarkozy behaving rudely before an interview with public television channel France 3. In November, Sarkozy's chief of staff Claude Guéant and domestic intelligence chief Bernard Squarcin sued newspapers *Mediapar* and *Le Canard Enchaîné*, respectively, for accusing them of spying on journalists and tracking phone calls.

A new law that protects journalists' sources went into effect in January 2010. This law allows journalists to reveal their sources only when serious crimes have taken place and access to the source is required for the investigation; however, the new law was broken several times throughout the year. In January, two journalists, Stéphane Munka and Christophe Gautier, were detained and questioned about how they obtained photographs of murder suspect Jean-Pierre Treiber. Munka's home and laptop were searched by authorities. In another high-profile case, the French daily *Le Monde* sued the Elysée Palace in 2010, once in September and once in October, for violating its protection of sources. The September lawsuit came about when the French counterespionage agency admitted that it investigated the paper for its reporting on the Bettencourt-Woerth saga, an

affair in which Sarkozy and Labour Minister Eric Woerth were accused of receiving illegal funding from L'Oréal heiress Liliane Bettencourt. *Le Monde* in October lodged its second complaint against the government after police requested access to phone bills of two of the newspaper's journalists, who were working on the same story.

While the media environment is generally safe for journalists in France, several journalists complained of difficulties in covering the street protests against government pension reform that paralyzed the country in October. During these protests, a reporter from the Canal+ television station was allegedly hit repeatedly by members of the CRS, a national riot police force.

The independent media are robust and express a wide range of opinions without restriction, and most of France's more than 100 newspapers are privately owned. There are over 1,200 radio stations, and since the state monopoly on radio ended in 1982, private stations have flourished, although public broadcaster Radio France stations continue to be popular. However, many media outlets—print as well as broadcast—are owned by companies with close ties to prominent politicians and defense contractors. In June 2010, Sarkozy met with the director of *Le Monde* to try and persuade the paper to sell to a particular company when the financially-troubled paper went up for sale. The board narrowly voted to sell the paper not to the Sarkozy-backed company, but to a trio of powerful left-leaning individuals. In August, Sarkozy appointed Remy Pflimlin to the head of public broadcasting. On the same day, Pflimlin fired a journalist who had broadcast pieces critical of the president. In 2008, the government announced a plan to wean public television off of advertising, which provided more than a quarter of its revenue. In 2009, ads were eliminated on the five public channels during prime time, and the channels are expected to become completely ad-free by 2013. The lost income was to be made up through higher taxes and licensing fees, but these revenue increases have not raised as much as was expected.

In 2010, 80 percent of the population accessed the internet. There are no government restrictions on the internet, but a 2006 antiterrorism law allows security agencies to monitor the internet for suspected terrorists. Notably, in September 2010 Google was convicted of defamation when its search function "suggest" equated a plaintiff's name with such terms as "rapist" and "Satanist" following a case where the plaintiff had been convicted of corruption of a minor.