

## FREEDOM OF THE PRESS

# France

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The constitution and governing institutions in France support an open press environment, although certain laws limit aspects of press freedom in practice. Freedom of information legislation is in place, but there are exceptions 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) began operation. Under the law creating HADOPI, which had been passed in October 2009, three warnings are issued to users who illegally download copyrighted material before their access is suspended for up to one year; they also face fines or jail time for violations. While the law in itself does not pose a threat to press freedom, its provisions for possible jail time have been criticized as excessive. Between October 2010 and December 2011, HADOPI sent first written warnings to 755,015 users, 95 percent of whom did not require a second warning. In February, the law was amended to allow HADOPI to pay private companies to carry out its surveillance. Also that month, the National Assembly adopted the Law on Guidelines and Programming for the Performance of Internal Security (LOPPSI 2) law, which allows sites suspected of child pornography to be blocked without a court order. It also allows police to install or remove spyware under judicial control.

There are strict defamation 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. In May 2011, the National Council amended Article 35 of the 1881 press law, removing a line that stated parties accused of defamation can only use evidence of their innocence from within the past 10 years. The defamation laws are often used to pressure journalists. Notable cases in 2011 included a favorable court ruling in February for journalist Denis Robert, who has been fighting a 10-year defamation case against financial institution Clearstream after a story he published revealed flaws in its accounting system that could facilitate money laundering or tax evasion. The ruling was seen as an important victory for investigative reporting in France. Among other cases, in February, radio personality Éric Zemmour was forced to pay €11,000 (\$13,800) for stating in a television broadcast that most drug dealers are black or Arab. Zemmour also received a fine for saying that employers “had a right” to reject black and Arab candidates. In March, documentarian Jean-Robert Viallet beat a defamation suit filed by Carglass for criticizing the company in a 2009 documentary, *La Mise à mort du travail*. In November, a journalist for the daily *L'Est Républicain* was forced to pay €150 (\$190) to Minister for Families Nadine Morano for criticizing her for holding up a flight in Rome by refusing to pass through security. Also in November, Ségolène Royal, the Socialist Party candidate for a legislative seat in La Rochelle, sued *Le Point* magazine for an article that alleged a link between her bid for office and a €12 million (\$15 million) deal for an expansion of the city's port. At least five defamation suits were filed by Ramzi Khiroun, counsel for former International Monetary Fund managing director Dominique Strauss-Kahn, on his client's behalf in 2011 after the media reported on sexual harassment suits brought against him in France.

## 2012 SCORES

### PRESS STATUS

**Free**

### PRESS FREEDOM SCORE

**24**

### LEGAL ENVIRONMENT

**6**

### POLITICAL ENVIRONMENT

**11**

### ECONOMIC ENVIRONMENT

**7**

In May, the Senate rejected a bill, known as *la loi Boyer*, directly criminalizing denial of the Armenian genocide, which could lead to fines of up to €45,000 (\$58,000) and one year in prison. However, the bill resurfaced and was passed in December, making it illegal to deny officially recognized genocides, including the Armenian genocide. The ruling put tremendous strain on the political relationship between France and Turkey, causing Turkish prime minister Recep Tayyip Erdoğan to remove the Turkish ambassador to France as well as to suspend military cooperation, bilateral political agreements, and economic contracts between the two countries.

A law went into effect in January 2010 that strengthened protection of sources in France. Under the law, journalists can be compelled to reveal sources only in cases of serious crimes; also, access to the sources must be required for the investigation. The French daily *Le Monde* twice sued the Elysée Palace in 2010, in September and October, for violating its right to protection of sources. The September lawsuit came about when the domestic intelligence agency admitted that it had investigated the paper for its reporting on the Bettencourt-Woerth saga, an affair in which President Nicolas Sarkozy and Labour Minister Eric Woerth were accused of receiving illegal funding from L'Oréal heiress Liliiane Bettencourt. A second complaint was lodged in October after police requested access to the phone bills of two of *Le Monde's* journalists in connection with the same story. In May 2011, a French court ruled that a prosecutor had acted illegally when he allowed police to search the records of *Le Monde* journalists. Two of *Le Monde's* complaints were shelved by prosecutors and re-filed by the paper in March 2011. In late 2011, investigating magistrate Sylvie Zimmerman questioned Bernard Squarcini, the head of domestic intelligence; Philippe Courroye, a state prosecutor; and Frédéric Péchenard, France's chief of police, in connection with a probe into the illegal surveillance. Squarcini was charged in October with "illegally collecting data and violating the confidentiality" of sources. His trial is not expected to take place for several years. In December, France's top appeals court ruled in favor of *Le Monde*.

In August 2011, reporter Fabrice Arfi of *Mediapart* filed a complaint after receiving death threats allegedly from Pierre Sellier, founder of the economic intelligence firm Salamandre, for investigating arms deals in Pakistan. Salamandre is linked to arms and counterespionage circles, and has several contracts with Sarkozy's office. In November, the Paris offices of satirical weekly *Charlie Hebdo* were destroyed by a firebomb after publishing an issue with a cartoon of the prophet Muhammad on the cover. The magazine's editor recounted having received threats on Facebook and Twitter leading up to the publication.

In June, a French judge dismissed French journalist Jacques-Marie Bourget's complaint of attempted homicide against Israeli authorities, who allegedly permanently disabled him in a shooting in 2000, on the grounds that a lack of cooperation by the Israeli government prevented the advancement of any investigation into the case. In a victory for press freedom, in December the French government refused to execute an arrest warrant issued by the International Criminal Tribunal for the former Yugoslavia, which held journalist Florence Hartmann in contempt for publishing confidential information in 2007 on Serbia's involvement in the Bosnian conflict.

The independent media are robust and express a wide range of opinions largely 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 continues 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 2009, advertisements 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 expected.

In 2011, approximately 80 percent of the population accessed the internet. There are no government restrictions on the medium, but a 2006 antiterrorism law allows security agencies to monitor the internet for suspected terrorists. In

October 2011, the website Copwatch in Nord-Ile-de-France, which was created to ensure police transparency, was shut down because it held personal information about police officers. Also in October, a court ruled that bloggers had the same rights under press freedom laws as members of the traditional media after one blogger, Antoine Bardet, was brought to court by the mayor of Orléans.

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