

La France à la loupe

Freedom of speech in the French media

“The free communication of ideas and opinions is one of the most precious of the rights of man. Every citizen may, accordingly, speak, write, and print with freedom, but shall be responsible for such abuses of this freedom as shall be defined by law”. **Freedom of speech**, thus defined by Article 11 of the Declaration of the Rights of Man and of the Citizen of 1789 has acquired **universal scope** worldwide. The article inspired the Universal Declaration of Human Rights adopted by the United Nations on 10 December 1948 (Art. 19) and the European Convention on Human Rights adopted on 4 November 1950 (Art. 10).

Print media

In France, **the state guarantees the freedom of the press and safeguards the independence of the media by preserving the conditions for diverse opinions and pluralism in the media.** The law prevents excessive media concentration by prohibiting any one media group from owning more than 30% of daily newspaper circulation.

The Act of 29 July 1881 on freedom of the press provides a framework for press freedom by setting restrictions aimed at striking a **balance between freedom of speech, protection of individual rights, and public order.**

In 1984, the Constitutional Council acknowledged the **constitutional value of press freedom** and its **necessary role in a democracy.**

PROTECTION OF INDIVIDUAL RIGHTS

- The law protects minors from written material and illustrations in which they can be identified. It prohibits licentious and violent publications that target minors.
- The law punishes slander and defamation
 - “Any offensive expression, contemptuous term or invective, without attribution of a fact, constitutes slander. Any allegation or attribution of a fact that damages the honour or reputation of the person or entity to which the fact is attributed constitutes defamation”. (Article 29, Act of 29 July 1881).

PUBLIC ORDER

The law punishes:

- incitement to commit crimes or offences
- justification of war crimes and crimes against humanity
- incitement of discrimination, hatred and violence

Act 90-615 of 13 July 1990 or “Gayssot Act” introduced a **right to respond** for any person who considers that a newspaper or other print medium has damaged **his honour on the grounds of his ethnicity, nationality, race or religion**. The Gayssot Act sets a **punishment** of five years’ imprisonment and a €45,000 fine for **the public expression of ideas that challenge the existence of the crimes against humanity** committed by Nazi Germany during World War II defined in the appendix to the London Agreement of 8 August 1945.

PROPER ADMINISTRATION OF JUSTICE

There are laws protecting the **confidentiality of judicial investigations, the presumption of innocence** and **confidentiality of judicial decisions**.

- During the preliminary stage of a judicial investigation, the law prohibits the publication of:
 - images of the circumstances of a crime or offence
 - information about the identity of the victim of a sexual offence
 - information likely to put pressure on witnesses
 - information about police or judicial investigations with implications for national security
 - judicial decisions before they have been read out in court.
- During court proceedings, the law prohibits:
 - photographing, filming and recording of administrative and judicial court proceedings
 - publishing information relating to in camera proceedings
 - publishing court proceedings that infringe privacy
 - publishing court proceedings relating to military affairs, foreign security and acts of anarchy.

Audiovisual media

The freedom of the press has also applied to television since [Act 82-652 of 29 July 1982 on audiovisual communications](#), which ended the state monopoly on television.

The purpose of the various laws on audiovisual communications is to guarantee **media independence** and **pluralism** by establishing rules on **to limit media concentration (Arts. 17 and 41-4 of Act 86-1067)**. Freedom of speech in the audiovisual media must not infringe individual rights.

Article 1 of [Act 86-1067 of 30 September 1986 on media freedom](#) conditions “the exercise of that freedom... on respect for human dignity, individual rights and private property, on the plural expression of schools of thought and opinion, on the protection of minors, on the preservation of public order and national security and on the standards expected of a public service”.

The legislation includes special measures to protect **minors**, such as the ban on broadcasting programmes for them of a pornographic or violent nature.

The **guidance** for public television channels and the agreements signed by private channels set forth ethical principles of independence and pluralism similar to those defined in the legislation.

The Higher Audiovisual Council (www.csa.fr), France’s independent media watchdog, guarantees media freedom. It is not empowered either to impose or to prevent the airing of a programme, but **supervises** programme compliance with the law and channel guidance **after it is broadcast**. The CSA pays special attention to **programmes for young audiences** and to ensuring that the **same amount of broadcast time** is allocated to political parties and candidates during electoral periods.

[Act 2000-719 of 1 August 2000 on media freedom](#) amends and expands the 1986 Act by increasing the diversity of the audiovisual offering, chiefly through provisions on the introduction of digital terrestrial television and the establishment of local television stations.

To find out more

LEGISLATION

- ☞ Act of 1881 on the freedom of the press
<http://www.legifrance.gouv.fr/texteconsolide/PCEAA.htm>
- ☞ **Act 82-652 of 29 July 1982 on the audiovisual media**
<http://www.legifrance.gouv.fr/imagesJO/1982/024/JO198202431.pdf>

- ↻ **Freedom of Communication Act No. 86-1067 of 30 September 1986, or “Léotard Act” – in english -**
http://www.legifrance.gouv.fr/html/codes_traduits/libertecom.htm
- ↻ **English glossary for the Act of 30 September 1986 on media freedom – in english -**
http://www.legifrance.gouv.fr/html/codes_traduits/gloslibcoma.htm
- ↻ **Act 2000-719 of 1 August 2000 amending Act 86-1067 of 30 September 1986 on Freedom of Communication**
<http://www.legifrance.gouv.fr/texteconsolide/PCEBC.htm>
- ↻ **Convention for the Protection of Human Rights and Fundamental Freedoms**
<http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm>
- ↻ **Universal Declaration of Human Rights adopted by the United Nations on 10 December 1948**
<http://www.un.org/Overview/rights.html>
- ↻ **Code de la communication (Media Code), Dalloz edition, 2005**
- ↻ **French laws and regulations on the print media**
http://www.ddm.gouv.fr/rubrique.php3?id_rubrique=74
- ↻ **French laws and regulations on the audiovisual media**
http://www.ddm.gouv.fr/rubrique.php3?id_rubrique=75

WEBSITES

- ↻ Media Directorate factsheet: Un principe fondateur : la liberté d’expression (a founding principle: freedom of speech)
http://www.ddm.gouv.fr/imprime.php3?id_article=838
- ↻ Media Directorate factsheet: The Act of 1881 on the freedom of the press
http://www.ddm.gouv.fr/rubrique.php3?id_rubrique=83
- ↻ Media Directorate factsheet: Infringements under the Act of 19 July 1881
http://www.ddm.gouv.fr/article.php3?id_article=595
- ↻ **Le contrôle sur les limites de l’encadrement juridique de la liberté de communication** (regulatory supervision of media freedom)
http://www.csa.fr/conseil/role/role_controle.php
- ↻ **La protection des mineurs à la télévision et à la radio** (protection of minors on television and radio)
http://www.csa.fr/infos/controle/television_signaletique_accueil.php

- Le pluralisme de l'information (Pluralism in the media)
http://www.csa.fr/infos/controle/television_pluralisme_accueil.php
- Cahiers des missions et des charges des chaînes et des radios publiques (Guidance for public television and radio stations)
http://www.csa.fr/infos/textes/textes_resultats.php?cat=7