[FR] Film Approval Certificate Withdrawn

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In an Order of 30 June 2000, the Conseil d'Etat (Council of State) upheld the application by an association which disputed the award of an approval certificate on 22 June by the Minister of Culture and Communication to the controversial film Baise-moi ("Screw me"). The certificate only banned children under 16 from watching the film and stipulated that a warning about the nature of the film should be posted at the cinema entrance and included in all publicity for the film.

In accordance with Article 19 of the film industry code, films may only be shown in French cinemas if they have been awarded an approval certificate by the Minister of Culture on the basis of the opinion of the Commission de classification des oeuvres cinématographique (Film Classification Commission). There are three types of certificate: one for films suitable for everyone, one for films unsuitable for children under 12 and one for films unsuitable for children under 16. The Minister can also decide to ban a film altogether. Finally, if a film is classified as pornographic or inciting violence, it may not be shown to minors under the age of 18.

In this case, the Council of State noted that the film Baise-moi was more or less composed of a succession of scenes depicting extreme violence and non-simulated sex, while the remainder of the film failed to live up to the directors' claim that it denounced violence against women by society. It therefore constituted a pornographic film which incited violence and which might be viewed by minors. It might also contravene the provisions of Article 227-24 of the Criminal Code (which imposed a three-year prison sentence and a FRF 500,000 fine on anyone who produced, distributed, broadcast or sold a violent or pornographic film likely to be seen by a minor). Since under the provisions of Article 3 of the Decree of 23 February 1990, the only way minors under the age of 18 could be prevented from seeing a film was if the film were classified as pornographic or inciting violence, then it should appear on the list of such films. The Council of State therefore cancelled the approval certificate awarded by the Minister and the film cannot be shown until it has been granted a new certificate.

Conseil d'État (section du contentieux), 3. juin 2000 – Association Promouvoir et autres.

Council of State (litigation department), 3 June 2000 – Association Promouvoir et al.

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