[FR] Act Strengthening Presumption of Innocence and Victims' Rights

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Act no. 2000-516 of 15 June 2000 strengthening the protection of the presumption of innocence and victims' rights was promulgated in the Official Gazette on 16 June. Described as one of the most ambitious reforms of criminal procedure since the Code of Criminal Procedure was introduced in 1958, the Act includes a chapter of provisions concerning communication (Chapter VIII).

Designed above all to protect the image and dignity of victims, the Act adds an Article 35d to the Act of 29 July 1881 on freedom of the press, making it a criminal offence to disseminate, without the victim's permission, a description of the circumstances of a crime or an offence which seriously infringes the victim's dignity. The Act also adds an Article 35b to the Press Act, prohibiting and making subject to a fine of FRF 100,000 the dissemination of the image of a person not implicated in a criminal procedure and who has not been convicted, but which gives the impression that the person is either in handcuffs or has been remanded in custody. In such cases, the person must lodge a complaint if any action is to be taken.

The Act also harmonises the period of right of reply in the audiovisual sector and the written press. This used to be eight days for the audiovisual sector, which considerably restricted the right of reply on radio and television. The Act extends the period to three months. For the written press, however, the period is reduced from one year to three months.

The Act also adds an Article 64 to the 1881 Act, making it possible to suspend the provisional enforcement of an emergency measure if the measure restricts the dissemination of information. Finally, prison sentences are abolished for the main press-related offences (false reporting, defamation, slander, libel against the President of the Republic, etc). However, they remain in place for racist offences (vindicating crimes, racist defamation and slander, disputing crimes against humanity, provoking racial hatred or discrimination).

Loi n° 2000-516 du 15 juin 2000 renforçant la protection de la présomption d'innocence et les droits des victimes, JO du 16 juillet 2000, p. 9038.

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