

[FR] Conseil d'Etat Bans Film for under-18s

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On 4 February, the Conseil d'Etat banned the showing of the film *Ken Park* to anyone under the age of 18. The film, made by the American Larry Clark, came out in France in October last year. On 6 October the French Minister for Culture had issued an exploitation licence that prohibited the film being shown to anyone under the age of 16; this licence has therefore been "partly" cancelled.

Under Article 19 of the Cinematographic Industry Code, the screening of films in French cinemas is subject to the grant of an exploitation licence issued by the Minister, after consultation with the Film Classification Board. According to the Decree of 23 February 1990, amended by the Decree of 12 July 2001 following the case of the film *Baise-moi* (see IRIS 2000-7: 8 and IRIS 2001-8: 13), the Board has the choice of six categories authorisation for showing to the general public, authorisation for showing to anyone over the age of 12, 16 or 18, listing as a pornographic film or a film inciting violence and as such not to be shown to anyone under the age of 18, and a total ban.

Promouvoir, an association that defends Judeo-Christian and family values, which was instrumental in bringing about the Conseil d'Etat decision (as well as its decision in 2000 in the case of *Baise-moi*), claimed that the Minister should have put *Ken Park* on the list of pornographic films or films inciting violence on the basis of the degrading pornographic scenes it contains and one particularly violent scene (in which an adolescent stabs his grandparents to death in their sleep). The Conseil d'Etat considered, however, that although the film included one scene in which the sexual activity was not simulated and several violent scenes, taking its theme and the conditions of its production into consideration, it was not actually pornographic and did not specifically incite violence. On the other hand, because of the sex scene which the Conseil d'Etat found particularly crude and explicit and other scenes in the film that represented adolescents in a combination of sex and violence, the Minister had applied the Decree of 3 February 1990 wrongly by prohibiting the film from being shown to anyone under the age of 16 rather than 18. This legal episode comes two months after the gazetting of a decree abolishing the need for a qualified majority of the Classification Board to be able to ban the showing of a film to under-18s and reinforcing the representation of family-value interests.

The film was banned for showing to under- 18s in Finland, Japan, Italy and Norway, and there was a total ban in Australia.

Conseil d'Etat, 4 February 2004, Association Promouvoir

Décret n° 2003-1163 du 4 décembre 2003 modifiant le décret n° 90-174 du 23 février 1990 pris pour l'application des articles 19 à 22 du Code de l'industrie cinématographique et relatif à la classification des œuvres cinématographiques

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Decree no. 2003-1163 of 4 December 2003 amending Decree no. 90-174 of 23 February 1990 adopted for the application of Articles 19 to 22 of the Cinematographic Industry Code and concerning the classification of cinematographic works

