[FR] Sentence for an Insult on the Basis of Disability Proffered During a Television Programme

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Grégory Lemarchal was a singer who became famous both for winning a reality TV programme and for the disease that killed him - despite the doubts expressed for a long time as to its nature - cystic fibrosis. During one of his sketches, a humorous commentator on a television programme who habitually renames celebrities by referring to them by a word that is supposed to sum them up chose “cystic fibrosis” to refer to Gregory Lemarchal, using the name of the disease in place of the name of the person each time it came up in a phrase.

The commentator was prosecuted on the basis of a totally new infringement - insult on the basis of disability. This special qualification was introduced into French press criminal law in 2005 (Art. 33 (3) of the Act of 29 July 1881), and this was the first time it had been raised. The judge in the initial proceedings had no difficulty in concluding that an offence had been committed. In the appeal brought by the humorist, the court came to the same conclusion - referring to a person by just the name of his/her incapacitating and fatal disease constitutes a term of disdain by reducing the identity and human nature of that person to his/her disability and nothing else. The humorist was fined EUR 3,000 plus EUR 2,000 in damages.

Cour d’appel de Lyon, (7e ch. A), 8 octobre 2008, Min. Pub c. F. Martin

Court of appeal of Lyon, (7 th chamber, section A), 8 October 2008, State Counsel v F. Martin

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