[FR] Ban on Horror Film for Under-16-Year-Olds Contested

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In 2010, the commission for the classification of cinematographic works proposed banning under-16-year-olds from watching the film Saw 3D Chapitre Final, the final chapter in a series of successful horror films, with the warning that the film "includes a large number of particularly realistic torture scenes and a high level of brutality, indeed even savagery". Following this proposition, and in application of Article 3 of the Decree of 23 February 1990, the Minister for Culture and Communication granted the film a screening certificate on condition that it was not to be shown to anyone under the age of 16 and that it carried the proposed warning. An association for the defence of Judeo-Christian values in society then called on the courts to cancel the decision, holding that the film should have been banned for under-18s as provided for in Article 3-1 of the Decree in respect of works "including scenes of non-simulated sex or great violence". The administrative court rejected the application for cancellation of the ministerial decision, whereupon the applicant association appealed. In a decision handed down on 3 July 2013, the administrative court of appeal in Paris noted that the film Saw 3D Chapitre Final included many extremely violent scenes in which a number of characters, subjected to "games" developed by a psychopathic killer, are killed under particularly atrocious conditions. However, neither the subject of the film nor its narrative treatment showed traces of any glorification of violence and torture of any kind, and the court found that the film did not constitute an incitement to violence. The court noted that the scenes of violence, which were not uninterrupted, were filmed using the codes specific to "gore"-type horror films, resulting in a deliberately "burlesque" spectacle. The extremely explicit representation of the brutality inflicted and the murders committed, involving large quantities of blood, was deemed to be compensated for in part by the improbability of the situations or - at the very least - their unrealistic nature, and indeed by a certain type of humour, all of which tended to arouse disgust rather than real fear in anyone watching the film. The court also found that, in view of the degree of maturity and critical distance that minors over the age of 16 were capable of exercising in respect of such a work, the film did not infringe the requirements for the protection of children and young people or respect for human dignity sufficiently to justify including making the screening certificate dependent on banning showing the film to anyone under the age of 18. The court therefore found that the Minister for Culture and Communication had not committed an error of appreciation in the present case by deciding to grant a

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screening certificate to the film at issue on condition that the film would not be shown to anyone under the age of 16, and that it would be accompanied by a very firm warning.

Cour administrative d'appel de Paris, 3 juillet 2013 - Association Promouvoir

Administrative court of appeal, Paris, 3 July 2013 - Association "Promouvoir"

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