[FR] Report submitted to Minister for Culture advocates reforming film classification

IRIS 2016-4:1/13

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On 29 February, Jean-François Mary, Chairman of the Film Classification Board, submitted a report to the new Minister for Culture, Audrey Azoulay, on the classification of cinematographic works with reference to minors between the ages of 16 and 18 years. The report had been commissioned in September 2015, following the controversy over the courts' suspension of the classification licence for films including scenes of non-simulated sex, such as 'Love' and 'La Vie d'Adèle' (see IRIS 2015-8/15, IRIS 2015-10/13 and IRIS 2016-1/10). More recently, the suspension by the administrative court in Paris of the classification licence that the Minister had issued for the film 'Salafistes' because of the "extreme violence" of certain passages, which banned the showing of the film to under-18s, confirmed the need to deal with the subject (see IRIS 2016-4/xxx).

Consideration was given to the automatic nature of the ban on showing to under-18s that results from application of current law, as appreciated in jurisprudence. Since the provisions in force and their application by the administrative courts refer to criteria resulting in a ban on allowing minors to watch films that include "scenes of non-simulated sex or of extreme violence", this limits the Classification Board and hence restricts its appreciation. The classification a film receives impacts the film not only when it is released but also when it is shown on television or released on DVD. The report therefore recommended revising the wording of Article R. 211-12 of the Cinema and Animated Image Code, since the text has "become totally inconsistent" with the protection of minors guaranteed by Article L. 227-24 of the Criminal Code (banning messages of a violent or pornographic nature if they might be seen by minors), which does not help to ensure legal certainty on this point. The report therefore advocates that a classification licence should be issued "in keeping with the disturbance the work is likely to cause regarding the sensitivity of minors". The new legislation would continue to list just one criterion for the most restrictive level of classification (which provides that the content is not to be shown to anyone under the age of 18), replacing the criterion of "scenes of non-simulated sex" with a criterion of "scenes of sex" and including a ban on "incitement to violence". The report also recommends creating an intermediate category that would restrict films anyone less than 14 years of age might watch.

The report goes on to suggest amending the wording of Article 227-24 of the Criminal Code, which bans messages of a violent or pornographic nature if they

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might be seen by minors. This is so that, in cases brought before a criminal court, the judge is in a position to take account of the intention and the artistic process of the work's originator in defining the messages at issue. It also advocates simplifying routes for appeal, to shorten the time taken before cases are heard in the administrative courts when a classification licence is contested. This would involve amending the regulatory part of the Code of Administrative Justice to determine the court of first and last resort (the Conseil d'État). The aim is to limit the number of appeals, in order to ensure consistency over the duration of a work's exploitation. The Minister announced her intention to "embark immediately on the proposed regulatory reform, so that classification can take more account of the singularity of the works and their impact on audiences".

Rapport de Jean-François Mary, relatif à la classification des œuvres cinématographiques relative aux mineurs de seize à dix-huit ans

http://www.culturecommunication.gouv.fr/Ressources/Rapports/La-classification-des-oeuvres-cinematographiques-relative-aux-mineurs-de-seize-a-dix-huit-ans

Report by Jean-François Mary on the classification of cinema films in relation to minors between 16 and 18 years old

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