[FR] Court hearings may be filmed under certain conditions

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Amélie Blocman
Légipresse

Article 38b of the *Loi sur la liberté de la presse* (Press Freedom Act) of 29 July 1881 prohibits the recording of images of court proceedings, stipulating that "as soon as an administrative or judicial court hearing begins, the use of any device capable of recording or transmitting sound or images is prohibited". Under Article 1 of the *Loi pour la confiance dans l'institution judiciaire* (Law on trust in the courts) of 22 December 2021, a new Article 38c created the possibility, by way of derogation from the first paragraph of Article 38b, to record or film civil, criminal or administrative court hearings on the grounds of an "educational, informational, cultural or scientific public interest." The implementing decree of 31 March 2022 specifies how these recordings may be made, subject to authorisation.

Requests to film court proceedings must be sent to the Minister of Justice, along with an explanation of why such a recording is in the public interest and the conditions in which it will be made and broadcast. The Minister of Justice issues an opinion, which is submitted to the "decision-making body", i.e. the first president of the court of appeal for judicial courts under its jurisdiction, the first president of the Court of Cassation for proceedings held under its jurisdiction, and the president of the court for administrative proceedings.

In principle, proceedings may be recorded without the consent of the parties. However, there are some exceptions. For example, the parties' written consent is required if the hearing is not held in public, if it forms part of an ongoing investigation or if a minor is involved. The holder of the recording permit must obtain this consent before the hearing, using a form drawn up in accordance with a template laid down by decree.

The decree also describes the conditions in which the recording should be made. It should not intrude on "the smooth running of the proceedings, the dignity and serenity of the debates, and the freedom of the parties and people being filmed to exercise their rights". The presiding judge may suspend or stop the recording at any time.

Finally, anyone who is recorded, including the parties' representatives and court staff, must consent separately to their image being broadcast. If they do not, the broadcaster must conceal their image, voice, name and civil status. Images of

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minors and adults under special legal protection may not be broadcast.

According to the Ministry of Justice, it signed an agreement with France Télévisions on 30 March 2022 in order to “provide an insight into everyday court proceedings”, with a view to broadcasting a regular programme starting in September this year. All hearings that are broadcast will be commentated on by legal professionals and an expert journalist.

Décret n° 2022-462 du 31 mars 2022 pris pour l'application de l'article 1er de la loi n° 2021-1729 du 22 décembre 2021 pour la confiance dans l'institution judiciaire

https://www.legifrance.gouv.fr/download/pdf?id=J2L-amQw3p_6VHCDIBprwr5c7pYyrzbT6dnhACItDn4=

Decree no. 2022-462 of 31 March 2022 implementing Article 1 of Law no. 2021-1729 of 22 December 2021 on trust in the courts

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