

The Council of Europe celebrates the bicentenary of the French Civil Code – 21 and 22 October 2004

Civil Code and case-law of the European Court of Human Rights

Recent reforms of the Civil Code and changes in judicial practice have been based on the case-law of the European Court of Human Rights.

For example, the judgment delivered on 13 June 1979 in the case of *Marckx v. Belgium* explained that the respect for family life provided for in Article 8 of the Convention required states to establish family legislation eliminating all discrimination based on birth, particularly where pecuniary advantages were concerned.

Articles 718 to 892 of the Civil Code, concerning inheritance rights, were revised by a law dated 3 December 2001, in order to comply with this requirement by doing away with the distinction made between legitimate, natural and adulterine children.

Rectifications of civil status, governed by Article 99 of the Civil Code, are another example of the influence exercised by the European Court of Human Rights: an about-turn in the doctrine of the court of cassation concerning transsexuals occurred on 11 December 1992 following the judgment against France, on 25 March 1992, in the case of *B.v. France*.

The principles of the unalterability and the inalienability of civil status had previously been raised against transsexuals wishing to change their civil status.

The Court considered that this refusal to rectify civil status had a disproportionate impact on the daily life and psychology of the persons concerned, placing them in a situation incompatible with the respect owed to their private life.