

Last update: 06/06/2019

## France

Membership to the Council of Europe	5 May 1949
Entry into force of the European Convention on Human Rights	3 May 1974
First case under supervision of execution	<b>Bozano</b> (9990/82) Judgment final on 18 December 1986
Total number of cases transmitted for supervision since the entry into force of the Convention	1021
Total number of cases closed by final resolution	996

### MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION\*

#### > Lawfulness of expulsion and right to individual petition

**Removal of an Algerian citizen in 2015 in spite of the risk of ill treatment in the country of destination.**  
**Violation of the right to individual petition in two cases** since the authorities created conditions in which it was very difficult for the applicants to lodge a request to the European Court.

**M.A. group** (9373/15)  
 Judgment final on 02/07/2018

**Status of execution**  
 Enhanced supervision

#### > Actions of security forces

**Failure of the authorities to provide explanation for serious brain damage sustained by the applicant following his arrest in 2004** by officers of the French national railway company (SNCF) and his subsequent care by police.

**Ghedir and Others** (20579/12)  
 Judgment final on 16/10/2015

**Status of execution**  
 Standard supervision

#### Arrestation

**Excessive use of force by police officers during the arrestation in 2009** of a person suffering from mental disease, who died subsequently.

**Group of cases:**  
**Boukrourou and Others** (30059/15)  
 Judgment final on 16/02/2018

#### Custody

**Negligence in 2009 in the care of an arrested person by the police**, considering his state of weakness, thus causing his death.

**Semache** (36083/16)  
 Judgment final on 21/09/2018

**Status of execution**  
 Standard supervision

#### > Reception and detention of foreign accompanied minors

**Placement of minors in administrative detention with their parents in inadequate conditions** in the six cases; unlawful detention without any research for alternatives to detention and lack of effective remedy in four cases; violation of the right to family life in three cases.

**Popov group** (39472/07)  
 Judgment final on 19/04/2012

**Status of execution**  
 Standard supervision

\* Detailed information concerning the Committee of Ministers' supervision of the execution of judgments and decisions of the European Court of Human Rights, notably the distinction between enhanced and standard supervision, are available on [the website of the Department for the Execution of Judgments](#).

> **Enforcement of domestic judicial decisions**

**Non-enforcement by the State of a domestic judicial decision** ordering the urgent and primary rehousing of the applicant (Law on the enforceable right to housing).

*Tchokontio Hapi* (65829/12)  
Judgment final on 09/07/2015

**Status of execution**  
Standard supervision

> **Right to home**

**Eviction of travellers from land on which they had been settled for many years**, without any assessment of the proportionality of the interference with their right to home and without without sufficient consideration of the needs of the applicants who requested relocation on family fields.

*Winterstein and Others* (27013/07)  
Judgment final on 17/01/2014

**Status of execution**  
Standard supervision

## SUPERVISION CLOSED - MAIN REFORMS ADOPTED \*\*

> **Actions of security forces on the high seas - Lawfulness of detention**

**Introduction of a specific regime regulating the State's police powers on the high seas** for the arrest and detention of persons for piracy.

*Medvedyev and Others* (3394/03)  
Judgment final on 29/03/2010

**Final Resolution**  
**CM/ResDH(2014)78**

> **Domestic servitude**

**Strengthening of the protection of vulnerable and/or dependent persons:** definition, in 2007, of a new crime of human trafficking; definition of aggravating circumstances (e.g. the person's minority, etc.); aggravation of sentences incurred; improved definition of this crime in the Criminal Code of 2013.

*Siliadin* (73316/01)  
Judgment final on 26/10/2005

**Final Resolution**  
**CM/ResDH(2011)210**

*C.N. and V.* (67724/09)  
Judgment final on 11/01/2013

**Final Resolution**  
**CM/ResDH(2014)39**

> **Conditions of detention - Medical care****Improvement of detention conditions:**

- improved care for prisoners with psychiatric disorders, including a plan to set up special secure units; improved monitoring of places of deprivation of liberty by the setting up of the Controller General's office (a national preventive mechanism);
- progress as regards the setting up of special secure units and different care programs; adoption of a series of regulatory and administrative measures improving the identification and assessment of the suicide risk of prisoners considered as emotionally unstable; better definition of obligations regarding medical monitoring of persons placed in punishment cells
- improved care for disabled detainees.

*Rivière* (33834/03)  
Judgment final on 11/10/2006

**Final Resolution**  
**CM/ResDH(2009)2**

*Renolde* (5608/05)  
Judgment final on 16/10/2008

**Final Resolution**  
**CM/ResDH(2016)24**

*Vincent* (6253/03)  
Judgment final on 26/03/2007

**Final Resolution**  
**CM/ResDH(2009)79**

**Better control and regulation of the use of full-body searches**, which is now authorised only when pat-down searches or electronic detection means are not sufficient.

*El Shennawy* (51246/08)  
Judgment final on 20/04/2011

**Final Resolution**  
**CM/ResDH(2015)77**

\*\* This section may also include certain major reforms already implemented in the context of cases still pending.

For a thorough overview of reforms adopted since the entry into force of Protocol No. 11 in 1998 see the [Annual Report 2015](#), Part IV "Main achievements". As regards the period 1959-1998, see the overview provided by the European Court in its special publication "Survey : 40 years of activity", section IV "Effects of judgments and decisions" – both documents, together with a number of additional ones, are available also on the website of the [Department for the Execution of Judgments of the European Court of Human Rights](#).

## SUPERVISION CLOSED - MAIN REFORMS ADOPTED \*\*

**Extension, by the Council of State, of the scope of the appeal on ground of abuse of authority (“recours pour excès de pouvoir”),** which can now be brought against solitary confinement measures and measures ordering “security rotation” (“rotations de sécurité”) (system in prisons, whereby prisoners are subjected to repeated transfers for security purposes).

**Ramirez Sanchez** (59450/00)  
Judgment final on 04/07/2006

**Final Resolution**  
**CM/ResDH(2010)162**

**Alboreo** (51019/08)  
Judgment final on 20/01/2012

**Final Resolution**  
**CM/ResDH(2014)47**

## &gt; Fairness of judicial proceedings

**Reform of the Criminal Code compelling Assize Courts to motivate their judgments.**

**Agnelet** (61198/08)  
Judgment final on 01/02/2013

**Final Resolution**  
**CM/ResDH(2014)09**

**Enhanced protection against self-incrimination** due to a clear and legally established separation between the status of witness (heard on oath) and that of a person in police custody, which never testifies on oath in proceedings in which he or she is involved, because of the risk of perjury.

**Brusco** (1466/07)  
Judgment final on 14/01/2011

**Final Resolution**  
**CM/ResDH(2011)209**

**Improvement of fair trial guarantees for the accused who fails to attend the court,** notably of the rights to be represented by counsel during proceedings and to lodge an appeal.

**Poitrimol** group (14032/88+)  
Judgment final on 23/11/1993

**Final Resolution**  
**CM/ResDH(2007)154**

**Improvement of fairness of proceedings before the regional Audit chambers and the Court of Audit:** systematic public hearing and respect of adversarial principle.

**Martinie** (58675/00)  
Judgment final on 12/04/2006

**Richard Dubarry** (53929/00)  
Judgment final on 01/09/2004

**Siffre** group (49699/99+)  
Judgment final on 12/03/2007

**Final Resolution**  
**CM/ResDH(2010)124**

**Setting-up of a monitoring body (the Prudential Supervisory Authority) for the credit and investments institutions and improved distribution of powers between its different organs,** thus making a clear distinction between the functions of prosecution, investigation and sanction.

**Dubus** (5242/04)  
Judgment final on 11/09/2009

**Final Resolution**  
**CM/ResDH(2011)102**

**Improvement, in expropriation proceedings, of the equality of arms between the Government Commissioner and the expropriated person,** both during the assessment of the expropriated assets' value and the proceedings. The expropriated person notably has to be informed of the Commissioner's conclusions in order to be able to respond to them.

**Yvon** (44962/98)  
Judgment final on 24/07/2003

**Final Resolution**  
**CM/ResDH(2007)79**

## SUPERVISION CLOSED - MAIN REFORMS ADOPTED \*\*

## &gt; Lawfulness of the expulsion or extradition

**Recognition of the suspensive effect of the specific remedy ("référé-liberté") than can be introduced by an alien against a deportation order (OQTF)\* :** such measure can no longer be executed until the judge has ruled on the remedy introduced.

**De Souza Ribeiro** (22689/07)  
Judgment final on 13/12/2012

**Final Resolution  
CM/ResDH(2017)135**

**Legislative reform in 2015 abolishing the automatic review under fast-track procedure (now called the "accelerated procedure") of an asylum claim filled by a foreigner placed in administrative detention:** new procedural safeguards, improvement of reception conditions.

**I.M.** (9152/09)  
Judgment final on 02/05/2012

**Final Resolution  
CM/ResDH(2017)340**

## &gt; Lawfulness and reception conditions of foreigners

**Improvement of legal guarantees surrounding refusals of entry on the French territory:** access to legal assistance ensured in the airports' international zones through several accredited NGOs - Reform of the Code of the Entry and Residence of Foreign Nationals and the Right to Asylum (CESEDA).

**Gebremedhin** (25389/05)  
Judgment final on 26/07/2007

**Final Resolution  
CM/ResDH(2013)56**

## &gt; Length of judicial proceedings

**Reforms ensuring a trial within a reasonable time:**

- Civil proceedings

**C.R. group** (42407/98+)  
Judgment final on 23/12/2003

**Final Resolution  
CM/ResDH(2008)39**

- Criminal proceedings

**Sapl group** (37565/97+)  
Judgment final on 18/03/2002

**Final Resolution  
ResDH(2005)63**

- Administrative proceedings

**Beaumartin** (15287/89)  
Judgment final on 24/11/1994

**Final Resolution  
ResDH(95)254**

- Labour proceedings

**Chaineux group** (56243/00+)  
Judgment final on 14/01/2004

**Final Resolution  
CM/ResDH(2008)38**

- Consolidation proceedings

**Piron / Machard** (36436/97 and 42928/02)  
Judgments final on 14/02/2001 and on 13/09/2006

**Final Resolution  
CM/ResDH(2009)3**

\* Contrary to metropolitan France, remedies that can be introduced against a deportation order (OQTF) do not have a legal suspensive effect in Guyane, Guadeloupe, Mayotte, Saint-Barthélemy and Saint-Martin ([Law No. 2016-274 of 7 March 2016 on the rights of aliens](#)).

## SUPERVISION CLOSED - MAIN REFORMS ADOPTED \*\*

**Introduction of the possibility to get compensation for excessively lengthy proceedings:**

- Civil and criminal proceedings
- Administrative proceedings

**Barrillot** group (49533/99+)  
Judgment final on 29/07/2003

**Final Resolution**  
**CM/ResDH(2007)39**

**Lutz** (48215/99)  
Judgment final on 26/06/2002

**Final Resolution**  
**CM/ResDH(2008)10**

> **Filiation**

**Possibility to obtain the transcription of foreign birth certificates of children born as a result of surrogacy (unless the certificates are unlawful under the law of the foreign country).** The biological paternity of the French father is presumed when he appears on the foreign birth certificate.

**Menesson** group (65192/11)  
Judgment final on 26/09/2014

**Final Resolution**  
**CM/ResDH(2017)286**

> **Retention of private information**

**Definition of the conditions for the collection, use, retention and deletion of fingerprints** by the National Fingerprint database during criminal proceedings.

**M.K.** (19522/09)  
Judgment final on 18/07/2013

**Final Resolution**  
**CM/ResDH(2016)310**

> **Secret surveillance**

**Creation of a legislative framework for phone tapping and video surveillance in criminal proceedings:** some moral/natural persons are henceforth excluded from the scope of these surveillances.

**Vetter** (59842/00)  
Judgment final on 31/08/2005

**Final Resolution**  
**CM/ResDH(2010)5**

> **Freedom of assembly and association**

**Possibility for militaries to create and join a national professional association and exercise responsibilities in it; right for these associations, recognized as being representative, to participate in the internal dialogue within the Superior Council of the Military Function (CSFM).**

**Matelly** group (10609/10)  
Judgment final on 02/01/2015

**Final Resolution**  
**CM/ResDH(2017)117**

> **Discrimination - Children born out of wedlock**

**Abolition of the distinction between legitimate and natural filiation, i.e. between legitimate children and those born out of wedlock, in inheritance matters.**

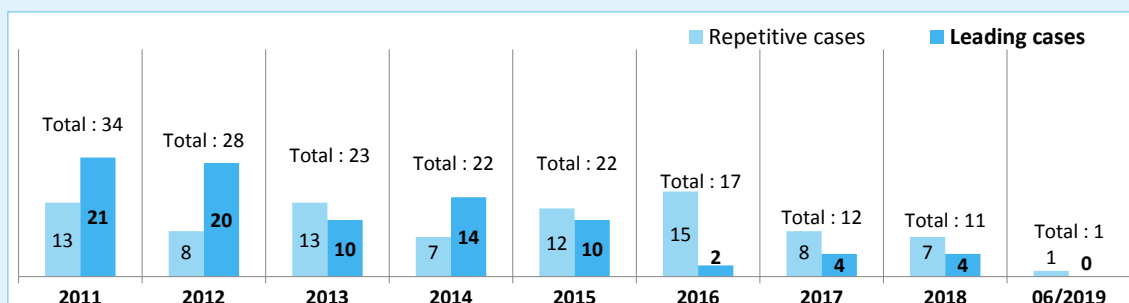
**Mazurek** (34406/07)  
Judgment final on 01/05/2000

**Final Resolution**  
**ResDH(2005)25**

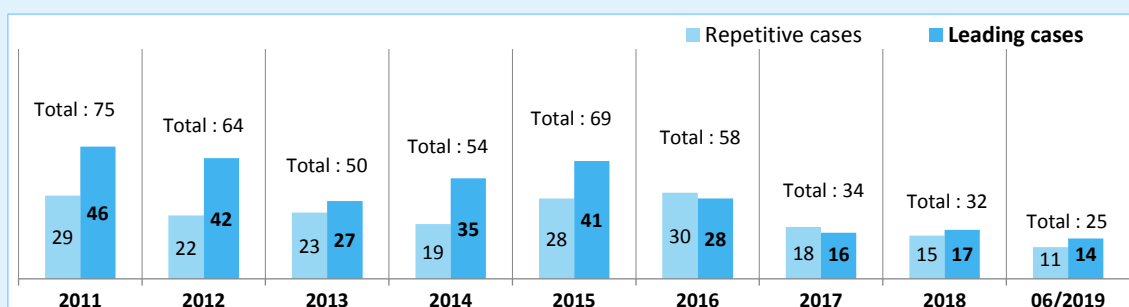
## STATISTICS\*\*\*

## New cases

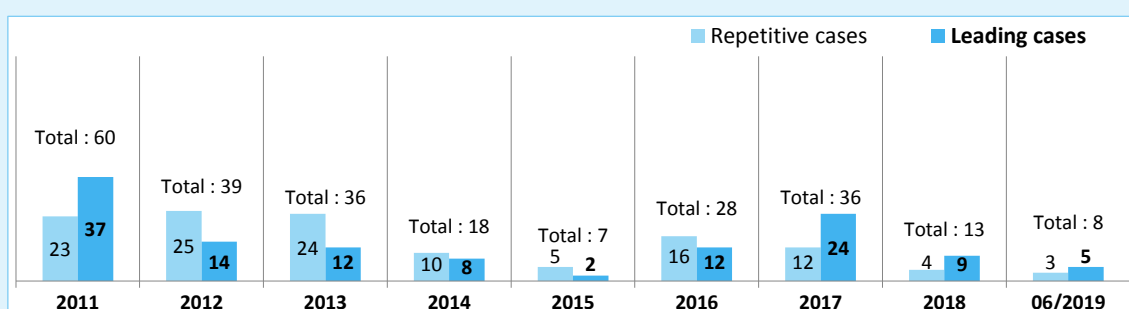
(judgments transmitted for supervision of their execution during the year)



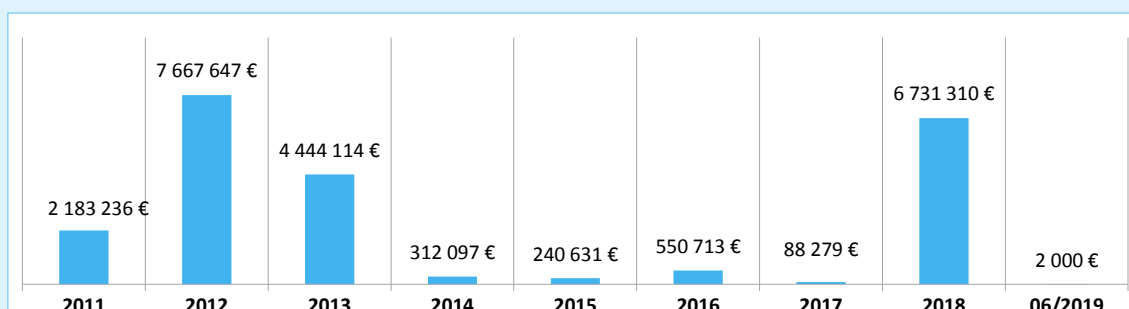
## Pending cases



## Cases closed by final resolution



## Just satisfaction awarded by the European Court



\*\*\* Detailed statistics are available in the [annual reports](#) of the Committee of Ministers. Figures are reported as they appear in the annual report for each year.