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The Equal Rights Trust  
is a company limited by  
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charity, number 1113288.

Dimitrina Petrova  
Executive Director

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## **France: European Court finds violation of Article 14 ECHR on grounds of sexual orientation**

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On 22 January 2008 the European Court of Human Rights (ECtHR) held that France violated Article 14 (right to non-discrimination) in conjunction with Article 8 (right to private and family life) of the European Convention on Human Rights (ECHR) in refusing the adoption application of a lesbian woman. The case of *E.B. v France* began proceedings in the Strasbourg Court in 2002 following the rejection of a number of national appeals to overturn the decision of an adoption board to reject the adoption application of the applicant, E.B.

The Grand Chamber of the Court made a number of important clarifications on the requirements of Article 14 of the ECHR including the importance of statistical evidence in discharging the burden of proof. The Court found that the French government was unable to produce statistical information on the frequency of applications for adoptions by people of different sexual orientation to prove that the applicant's sexual orientation was not material to the administrative decision.

Similarly the Court made it clear that:

“Where sexual orientation is in issue, there is a need for particularly convincing and weighty reasons to justify a difference in treatment regarding rights falling within Article 8.”

Subsequently, the Court opined that the applicant's sexual orientation had been a determining factor in rejecting her application for adoption.

The Equal Rights Trust welcomes the judgement as an important step forward in protecting the right to non-discrimination and equality and a victory for the rights of people of different sexual orientation across Europe.

To view the ERT summary of the case go to:

<http://www.equalrightstrust.org/ertdocumentbank/Microsoft%20Word%20-%20E%20B%20v%20France6.pdf>

To view the full court decision go to:

<http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=827961&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>