



Question of just satisfaction in the Grand Chamber judgment *Fabris v. France*

In today's Grand Chamber judgment in the case of [Fabris v. France](#) (application no. 16574/08), which is final, the European Court of Human Rights took formal note of the friendly settlement reached between the Government and the applicant and decided, by a majority, to strike the remainder of the case out of its list of cases.

Principal facts

In its [Grand Chamber judgment on the merits of 7 February 2013](#) the Court had held unanimously that there had been a violation of Article 14 (prohibition of discrimination) of the European Convention on Human Rights taken in conjunction with Article 1 of Protocol No. 1 (protection of property) to the Convention.

The applicant, Mr Fabris, complained that he had been unable to benefit from the Law of 3 December 2001 granting children "born of adultery" identical inheritance rights to those of legitimate children. That Law had been passed following delivery of the Court's judgment in *Mazurek v. France* on 1 February 2000.

The Court had held in its judgment on the merits of 7 February 2013 that the legitimate aim of protecting the inheritance rights of Mr Fabris's half-brother and half-sister did not outweigh the applicant's claim to a share of his mother's estate. The Grand Chamber had held that the difference in treatment in the applicant's regard had had no objective and reasonable justification and had been discriminatory.

As the question of just satisfaction (Article 41) was not ready for decision, the Court had reserved it for decision at a later stage and invited the Government and the applicant to submit their observations and to notify the Court of any agreement that they might reach.

Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 1 April 2008.

The Grand Chamber delivered its judgment on the merits on 7 February 2013.

Today's judgment was given by the Grand Chamber of 17 judges, composed as follows:

Josep **Casadevall** (Andorra), *President*,
Françoise **Tulkens** (Belgium),
Nina **Vajić** (Croatia),
Lech **Garlicki** (Poland),
Karel **Jungwiert** (Czech Republic),
Elisabeth **Steiner** (Austria),
Alvina **Gyulumyan** (Armenia),
Egbert **Myjer** (Netherlands),
Dragoljub **Popović** (Serbia),
George **Nicolaou** (Cyprus),
András **Sajó** (Hungary),
Ledi **Bianku** (Albania),
Nona **Tsotsoria** (Georgia),
İşıl **Karakaş** (Turkey),
Guido **Raimondi** (Italy),
Paulo **Pinto de Albuquerque** (Portugal),

André **Potocki** (France),

and also Johan **Callewaert**, *Deputy Grand Chamber Registrar*.

Decision of the Court

On 3 May 2013 the Government informed the Court of an agreement reached between the parties for the sum of 165,097.77 euros to be paid to the applicant in compensation for the pecuniary and non-pecuniary loss sustained by him and reimbursement of the costs and expenses incurred.

The Court took formal note of the agreement between the parties (Article 39 of the Convention). It found the agreement to be equitable and based on respect for human rights as defined in the Convention.

Accordingly, the Court decided, by a majority, to strike the remainder of the case out of its list of cases.

Separate opinion

Judge Pinto de Albuquerque expressed a separate dissenting opinion, which is annexed to the judgment.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.