



The Court dismisses case about forced psychiatric hospitalisation and subsequent judicial review

In its decision in the case of [Guelfucci v. France](#) (application no. 31038/12) the European Court of Human Rights has unanimously declared the application inadmissible. The decision is final.

The case concerned hospitalisation in a psychiatric hospital at the request of the applicant's father. Ms Guelfucci challenged the lawfulness of her forced hospitalisation.

The Court held, in particular, that the criteria permitting an individual to be classified as "of unsound mind" and consequently to be deprived of his or her liberty had been met in the present case, and that the case file did not contain any information which could give rise to doubts as to the hospitalisation's compatibility with domestic law. Ms Guelfucci's application did not therefore disclose any appearance of a violation of the right to liberty and security.

Principal facts

The applicant, Christine Guelfucci, is a French national who was born in 1960 and lives in Vallauris. Having been forcibly admitted to a psychiatric hospital in 1994 at her father's request, she disputed the lawfulness of her detention.

In July 1994 the applicant's father alerted the police because of his concern about his daughter's mental state, as she had confided in third persons that she was intending to take her own life and the lives of her children. Ms Guelfucci was detained in the Antibes psychiatric hospital that same evening, on the basis of two medical certificates. The next day, her father submitted a hospitalisation request pursuant to Article L. 333 of the Public Health Code in force at the time. Ms Guelfucci remained in hospital until the beginning of August 1994.

The applicant brought several sets of proceedings before the judicial and administrative courts. In February 1996 she lodged a complaint with Grasse Criminal Court alleging intrusion upon the home and wrongful detention, together with an application to join the proceedings as a civil party, against the Director of the psychiatric hospital. He was acquitted in October 2006. In May 2004 she lodged four applications to set aside the decisions taken by the Director of the psychiatric hospital with the Nice Administrative Court, which dismissed them, as upheld by the Marseille Administrative Court of Appeal. In November 2011 the *Conseil d'État* decided not to admit the appeal on points of law lodged by the applicant. In January 2006 Ms Guelfucci lodged with the Paris Regional Court an action against the State for compensation for the excessive length of proceedings following her criminal complaint. The Paris Court of Appeal upheld the compensation award in June 2008.

Complaints, procedure and composition of the Court

Relying, firstly, on Article 5 § 1 (right to liberty and security), Ms Guelfucci complained of the unlawfulness of her deprivation of liberty. Relying, secondly, on Article 6 § 1 (right to a fair hearing within a reasonable time) and Article 13 (right to an effective remedy), she submitted that the length of the administrative proceedings had been excessive, that she did not have an effective remedy and that the *Conseil d'État* had provided no reasons for its decision not to admit her appeal on points of law. Thirdly, she alleged that she had sustained various other breaches of her rights as protected by Article 5 § 2 and 4 (right to be informed promptly of charges / right to a speedy decision on the lawfulness of detention) and Article 8 (right to respect for private and family life) of the Convention.

The application was lodged with the European Court of Human Rights on 15 May 2012.

The decision was given by a Committee of three judges, composed as follows:

Mārtiņš **Mits** (Latvia), *President*,
André **Potocki** (France),
Lado **Chanturia** (Georgia),

and also Milan **Blaško**, *Deputy Section Registrar*.

Decision of the Court

Article 5 § 1

An individual could not be deprived of his or her liberty on the basis of unsoundness of mind unless he or she was reliably shown to be of unsound mind, the mental disorder was of a kind or degree warranting compulsory confinement, and the continued confinement did not extend beyond the persistence of the disorder. All these criteria had been met in the present case. Thus, Ms Guelfucci's father had requested her hospitalisation on account of disturbing statements she had made, and his request had been supported by two detailed medical certificates. The head doctor in the hospital's psychiatric unit had confirmed that the hospitalisation was justified. Lastly, the expert appointed by the investigating judge had concluded that Ms Guelfucci was suffering from psychosis and presented a suicide risk.

Both the criminal and administrative domestic courts had concluded that Ms Guelfucci's hospitalisation had been compatible with domestic law. Thus, the criminal court had held that the conditions laid down in the Public Health Code had been fulfilled when the applicant was forcibly hospitalised on 22 July 1994. In consequence, it had acquitted the Director of the hospital. For their part, the administrative court and the administrative court of appeal had also held that the decision to admit Ms Guelfucci and the subsequent decisions had complied with the requirements laid down by the above-mentioned Code. There was nothing in the case file which would justify reaching a different conclusion. Moreover, the applicant had not brought before the domestic courts an action which would have enabled the merits of her forced hospitalisation to be examined.

As the application did not disclose any appearance of a violation of Article 5 § 1, the complaint was manifestly ill-founded.

Articles 6 § 1 and 13

The Court reiterated its well-established case-law that an action to establish State liability for shortcomings in the justice system was a remedy to be exhausted in order to lodge a well-founded application concerning the excessive length of administrative proceedings. As Ms Guelfucci had brought no such action, the application lodged by her was inadmissible.

Ms Guelfucci complained that the *Conseil d'État* had not given reasons for its decision to dismiss her appeal on points of law. However, an appellate court was not required to give more detailed reasoning when it simply applied a specific legal provision to dismiss an appeal on points of law as having no prospects of success. The *Conseil d'État's* decision had been based on the absence of grounds such as to warrant admitting the appeal for the purposes of Article L. 822-1 of the Administrative Courts Code. The complaint was thus manifestly ill-founded.

Other articles

Ms Guelfucci's complaints concerning the lack of notification about decisions taken in respect of her, the lack of information about her rights when she was admitted to hospital, and the administration

of neuroleptic treatment without her consent while she was in hospital were inadmissible on the grounds that she had failed to exhaust the domestic remedies.

The decision is available only in French.

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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.