



Notice of application before Court concerning compulsory vaccination of certain workers imposed by French law on health crisis

The European Court of Human Rights has given notice¹ to the Government of France of the application in [Thevenon v. France](#) (application no. 46061/21) and has asked them to submit their observations on its admissibility and merits. The case concerns the compulsory Covid vaccination imposed on certain occupations, in this case the fire service, under the Law of 5 August 2021 on the management of the health crisis.

The Court has also today given a decision in the case of **Zambrano v. France** (application no. 41994/21) concerning the French “health pass”. A separate press release has been published in that case: [link](#).

[Thevenon v. France](#) (application no. 46061/21)

The facts

The applicant, Pierrick Thevenon, is a French national who was born in 1988. The application was lodged with the European Court of Human Rights on 10 September 2021.

The case concerns the compulsory Covid vaccination imposed on Mr Thevenon, on account of his activity as a professional firefighter, on the basis of Law no. 2021-1040 of 5 August 2021 on the management of the health crisis.

Section 12 of this law lists the persons subject to compulsory vaccination against Covid-19, except where there is a recognised medical impediment, which is imposed either because of the type of establishment in which they work, or because of their occupation, as in the case of firefighters. From 15 September 2021 (deadline extended to 15 October for persons who, as part of a vaccination schedule comprising several doses, can prove that they have received at least one of the required doses, provided that they present a negative test result), the professionals concerned are no longer allowed to do their job if they have not fulfilled the obligation to present their certificate of vaccination status showing that they are fully vaccinated. In such cases, they can use paid leave with the agreement of their employer. Otherwise they are suspended from their duties or their employment contract, which means that their pay is stopped, for as long as they fail to fulfil the compulsory vaccination conditions.

Complaints

Relying on Article 8 (right to respect for private and family life) of the Convention, taken separately and in combination with Article 14 (prohibition of discrimination), and Article 1 of Protocol No. 1 (protection of property), Mr Thevenon complains that he is subject to the occupation-based compulsory vaccination under Law no. 2021-1040 of 5 August 2021 and also that his refusal to be vaccinated against Covid-19 has led, since 15 September 2021, to the suspension of his professional activity and the total stoppage of his salary.

Proceedings before the Court

The Court put the following questions to the parties and asked the French Government to provide it with its observations by 27 January 2022:

¹ Under Rule 54 § 2 (b) of the Rules of Court: “the Chamber or the President of the Section may decide to give notice of the application or part of the application to the respondent Contracting Party and invite that Party to submit written observations thereon and, upon receipt thereof, invite the applicant to submit observations in reply.”

- “1. Has the applicant exhausted domestic remedies, as required by Article 35 § 1 of the Convention?*
- 2. In view of the compulsory vaccination imposed on the applicant, under Law no. 2021-1040 of 5 August 2021 on the management of the health crisis, based on his professional activity, has there been a breach of his right to respect for his private life within the meaning of Article 8 § 1 of the Convention?*
- 3. Has the applicant been a victim, in the exercise of his Convention rights, of discrimination based on his occupation that would be in breach of Article 14 of the Convention taken together with Article 8 of the Convention? In particular, has the applicant sustained a difference in treatment in that, unlike other workers, he is obliged to get vaccinated, and in that his refusal to do so within the time-limit has allegedly led to the suspension of his professional activity and the stoppage of his pay from 15 September 2021 onwards?*
- 4. In the circumstances of the present case, in view of the alleged suspension of the payment of the applicant’s salary on account of his refusal to get vaccinated, as imposed by Law no. 2021-1040 of 5 August 2021, has there been a breach of his right to the enjoyment of his possessions within the meaning of Article 1 of Protocol No. 1?*

The subject matter of the case and the questions put to the parties are available (in French only) on the Court’s website (Hudoc).

Court’s decision on interim measure request

The Court would point out that, on 19 August 2021, it received an interim measure request from 672 firefighters, including Mr Thevenon, in which the applicants asked, among other things, for a suspension of the compulsory vaccination imposed by the Law of 5 August 2021.

On 24 August 2021 the Court rejected this request, finding that it was out of scope of Rule 39 of its Rules of Court (interim measures). The request had been examined under the case name **Abgrall and 671 Others v. France** (n° 41950/21). [Link](#) to press release.

Other cases pending before the Court

712 other applicants have expressed their intention to lodge applications with the Court on the same issue. The Court has informed them of the requisite formalities.

Useful links

- [Link](#) to factsheet “Covid-19 health crisis”.
- [Link](#) to press release entitled “Requests for interim measures from 672 members of the French fire service concerning the Law on the management of the public health crisis fall outside the scope of Rule 39 of the Rules of Court”.
- [Link](#) to press release concerning “Refusal of requests for interim measures in respect of the Greek law on compulsory vaccination of health-sector staff against Covid-19”.
- [Link](#) to press release in case of **Zambrano v. France** (application no. 41994/21) on the “health pass”.

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court’s press releases, please subscribe here: www.echr.coe.int/RSS/en or follow us on Twitter [@ECHR_CEDH](https://twitter.com/ECHR_CEDH).

Press contacts

echrpess@echr.coe.int | tel: +33 3 90 21 42 08

Inci Ertekin (tel : + 33 3 90 21 55 30)
Tracey Turner-Tretz (tel : + 33 3 88 41 35 30)
Denis Lambert (tel : + 33 3 90 21 41 09)
Neil Connolly (tel : + 33 3 90 21 48 05)
Jane Swift (tel : + 33 3 88 41 29 04)

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.