[TRANSLATION]

...

THE FACTS

The applicant, Mr Jean-Luc Guichard, is a French national who was born in 1947 and lives in Saintes. He was acting before the Court both in his own right and as representative of his minor son, who was born on 29 November 1990 and lives in Montreal.

A. The circumstances of the case

The facts of the case, as submitted by the applicant, may be summarised as follows.

The applicant and M., who were an unmarried couple, had a son, G., who was born on 29 November 1990. Prior to the birth they had made a joint declaration before the registration officer at Châtellerault on 25 April 1990 recognising their son.

On 13 May 1992 M., a Canadian national, unilaterally decided to take G. away to live with her in Montreal.

Several sets of proceedings were subsequently instituted.

1. The judicial proceedings

(a) The proceedings in Quebec

In a judgment of 11 May 1993, the Superior Court of Quebec granted M. custody of the child and reserved judgment regarding the applicant's right to apply to the Quebec Municipal Court to determine his rights of access in respect of the child.

(b) The first set of proceedings in France

On 21 April 1993 the applicant lodged an application with the President of the La Rochelle *tribunal de grande instance*, who was the matrimonial causes judge, for joint parental responsibility (with the mother) for his son and for the latter's habitual residence to be fixed at La Rochelle, where he had lived before leaving France with his mother.

In an order of 24 February 1994, the judge declared that the applicant was estopped by record from applying for joint parental responsibility and determination of G.'s habitual residence because the judgment of the Canadian courts was final. He requested the applicant and M. to sign a parental agreement determining the arrangements regarding G.'s relations with his parents, if necessary by having recourse to family mediation.

Subject to a better agreement being reached between the applicant and M., he granted the applicant access for the school holidays.

An appeal does not appear to have been lodged against that decision.

(c) The second set of proceedings in France

On 10 June 1998 the applicant brought an action against M. in the Saintes *tribunal de grande instance*, claiming joint parental responsibility for G.

In an order of 16 September 1999, the family-affairs judge held that the applicant was doubly estopped by record from bringing the action because there had been a final decision both by the Superior Court of Quebec on 11 May 1993 and by the La Rochelle matrimonial causes judge on 24 February 1994.

No appeal was lodged against that order.

(d) The third set of proceedings in France

In a judgment of 14 May 2002, the Saintes Criminal Court sentenced M. to a suspended term of imprisonment of one year and a fine of 750 French francs for failure to hand over a child and to notify a change of address.

2. The administrative proceedings

On 5 March 1993 the applicant applied to the Minister of Justice, designated by France as the Central Authority responsible for discharging the duties imposed on France by the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction ("the Hague Convention"). He asked the Minister to assist him in the manner prescribed by that convention in securing the return of his son, born on 29 November 1990, whom his mother, a Canadian national, had, he alleged, wrongfully removed to Canada on 13 May 1992 to live with her in Montreal.

On 7 June 1993 the Minister of Justice replied in the following terms:

> "In reply, and on the basis of the information in my possession, the mother alone had parental responsibility at the time of the removal. Accordingly, the removal cannot be described as 'wrongful' within the meaning of the aforementioned convention and an application for the child's return is in principle bound to fail."

On 4 March 1994 the applicant sought a declaration from the Paris Administrative Court that he had had parental responsibility for his son at the time of his abduction by the mother and asked the court to set aside the decision of 7 June 1993 by which the Minister of Justice had refused to intervene pursuant to the Hague Convention.

On 21 February 1996 the Paris Administrative Court rejected the application for the following reasons:

"It is not the Administrative Court's function to deal with disputes between private individuals. The submissions must be dismissed as having been made to a court that lacked jurisdiction to entertain them. ...

The question as to whether it fell to the Minister of Justice to intervene in the manner requested necessarily requires an examination of the relations between the French State and a foreign government. That issue falls outside the jurisdiction of the Administrative Court. Accordingly, the submissions cannot succeed. ...

On 13 May 1996 the applicant appealed to the Paris Administrative Court of Appeal.

In a judgment of 11 July 1997 the Paris Administrative Court of Appeal set aside the judgment of the Administrative Court to the extent that it found that the application to have the Minister of Justice's decision set aside fell outside the jurisdiction of the Administrative Court. However, it rejected the application for the Minister of Justice's decision to be set aside for the following reasons in particular:

"... in the judgment being appealed against, the Paris Administrative Court wrongly declared that it lacked jurisdiction to examine the submissions made by [the applicant] against that decision; in that respect the judgment must be set aside.

...

Even supposing that Article 374 of the Civil Code, as amended by Law no. 87-570 of 22 July 1987, which is applicable in the instant case, is contrary to the provisions of Articles 1, 8 and 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 and the provisions of the International Convention on the Rights of the Child of 26 January 1990, the evidence does not show that [the applicant] had parental responsibility for his son on 13 May 1992, when the child was taken to Canada by his mother. Accordingly, on that date he did not have rights of custody in respect of the child. It was therefore clear that the conditions required by the Hague Convention were not fulfilled; the Minister was subsequently able, under the aforementioned provisions of Article 27 of the said convention, to reject the application for intervention made by the applicant. It follows that [the applicant] has no basis on which to argue that, in the decision being challenged, the Minister of Justice wrongly rejected that application ..."

On 7 November 1997 the applicant applied to the *Conseil d'Etat* to set aside the judgment of 11 July 1997. In a judgment of 30 June 1999 the *Conseil d'Etat* set aside the judgment of the Paris Administrative Court of Appeal and the judgment of the Administrative Court of 21 February 1996 in so far as it had dismissed the submissions as having been made to a court that lacked jurisdiction to entertain them. It rejected the application lodged by the applicant with the Administrative Court and the remainder of the submissions in the application lodged before it for the following reasons in particular:

"... [The applicant] is ... justified in requesting the Court to set aside the part of the operative provisions of the judgment of the Paris Administrative Court of Appeal which, after setting aside the judgment delivered at first instance by the Paris

Administrative Court, dismissed the submissions he had lodged with the court to have the Minister of Justice's decision of 7 June 1993 set aside.

In the circumstances of the present case, an examination under section 11(2) of the Law of 31 December 1987 is necessary in order to dispose of the case on the merits.

... It is incumbent on an administrative court to rule on the submissions [by the applicant] to have [the decision of the Minister of Justice] set aside. The Administrative Court thus wrongly dismissed the submissions as having been made to a court that lacked jurisdiction to entertain them. Its judgment of 21 February 1996 must be set aside in that regard.

The application lodged by [the applicant] with the Paris Administrative Court must be heard and determined immediately.

...

[The] provisions [of Article 374 of the Civil Code, in the applicable version] which, in a case such as this where the child has been recognised by both parents, provide that parental responsibility is to be exercised by the mother but give the father the possibility, by a decision of the matrimonial causes judge, to exercise that authority himself, either alone or jointly with the mother, and, if appropriate, to have his home designated as the child's habitual residence, are not incompatible with the combined requirements of Articles 8 and 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms by which the right to respect for family life must be secured without discrimination on any ground, such as sex.

... the aforementioned provisions of Article 374 of the Civil Code which determine, in the child's interests alone, which of the parents is to exercise parental responsibility for him or her, are not incompatible with the provisions of Articles 3-1 and 16 of the [International] Convention [of 26 January 1990 on the Rights of the Child], which proclaim the paramount interests of the child and the child's right to the protection of the law.

The evidence clearly shows that [the applicant], who does not allege that the aforementioned provisions of the second or third paragraphs of Article 374 of the Civil Code would have been applied in his favour, did not have the exercise of parental responsibility for his son [G.] when the child's mother took him to Canada on 13 May 1992. Accordingly, he did not have rights of custody over the child on that date for the purposes of Article 5 of the Hague Convention, and, in particular, he did not have a right to determine the child's habitual place of residence. Accordingly, the Minister of Justice did not commit any error of law in his decision of 7 June 1993 in considering that the removal of [G.] could not be described as 'wrongful' within the meaning of that convention.

... the submissions by which [the applicant] sought a stay of the Administrative Court's decision regarding his application must therefore be dismissed. ..."

B. Relevant domestic and international law

1. The relevant provisions of the French Civil Code, as in force at the material time

Article 371-2
(no longer in force since 5 March 2002)

"A child's father and mother are responsible for protecting the child's safety, health and morals.

They have a right and a duty to look after, supervise and bring up their children."

Article 374 (as amended by the Law of 22 July 1987)
(no longer in force since 9 January 1993)

"Where a child born out of wedlock has been recognised by only one of his or her parents, parental responsibility shall vest in the parent who has voluntarily recognised the child. Where the child has been recognised by both parents, parental responsibility shall vest in the mother.

Parental responsibility may be exercised jointly by both parents if they make an appropriate joint declaration before the guardianship judge.

At the request of the father or the mother or State Counsel, the matrimonial causes judge may modify the arrangements for exercising parental responsibility and decide that it shall be exercised either by one of the parents or by the father and mother jointly; in that event the judge shall indicate with which parent the child shall habitually reside.

The matrimonial causes judge may always grant an access and supervision right to the parent who does not have parental responsibility.

Where parental responsibility is exercised jointly, Articles 372-1 and 372-2 shall apply as though the child had been born in wedlock."

2. The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction

The Hague Convention was ratified by France on 16 September 1982 and came into force on 1 December 1983, when it also came into force in respect of Canada. The relevant provisions are worded as follows:

Article 1

"The objects of the present Convention are:

(a) to secure the prompt return of children wrongfully removed to or retained in any Contracting State; and

(b) to ensure that rights of custody and of access under the law of one Contracting State are effectively respected in the other Contracting States."

Article 3

"The removal or the retention of a child is to be considered wrongful where:

(a) it is in breach of rights of custody attributed to a person, an institution or any other body, either jointly or alone, under the law of the State in which the child was habitually resident immediately before the removal or retention; and

(b) at the time of removal or retention those rights were actually exercised, either jointly or alone, or would have been so exercised but for the removal or retention.

The rights of custody mentioned in sub-paragraph (a) above may arise in particular by operation of law or by reason of a judicial or administrative decision, or by reason of an agreement having legal effect under the law of that State."

Article 5

"For the purposes of this Convention:

(a) 'rights of custody' shall include rights relating to the care of the person of the child and, in particular, the right to determine the child's place of residence;

(b) 'rights of access' shall include the right to take a child for a limited period of time to a place other than the child's habitual residence."

Article 6

"A Contracting State shall designate a Central Authority to discharge the duties which are imposed by the Convention upon such authorities.

..."

Article 7

"Central Authorities shall cooperate with each other and promote cooperation amongst the competent authorities in their respective States to secure the prompt return of children and to achieve the other objects of this Convention.

In particular, either directly or through any intermediary, they shall take all appropriate measures:

(a) to discover the whereabouts of a child who has been wrongfully removed or retained;

(b) to prevent further harm to the child or prejudice to interested parties by taking or causing to be taken provisional measures;

(c) to secure the voluntary return of the child or to bring about an amicable resolution of the issues;

(d) to exchange, where desirable, information relating to the social background of the child;

(e) to provide information of a general character as to the law of their State in connection with the application of the Convention;

(f) to initiate or facilitate the institution of judicial or administrative proceedings with a view to obtaining the return of the child and, in a proper case, to make arrangements for organising or securing the effective exercise of rights of access;

(g) where the circumstances so require, to provide or facilitate the provision of legal aid and advice, including the participation of legal counsel and advisers;

(h) to provide such administrative arrangements as may be necessary and appropriate to secure the safe return of the child;

(i) to keep each other informed with respect to the operation of this Convention and, as far as possible, to eliminate any obstacles to its application."

Article 13

"Notwithstanding the provisions of the preceding Article, the judicial or administrative authority of the requested State is not bound to order the return of the child if the person, institution or other body which opposes its return establishes that:

(a) the person, institution or other body having the care of the person of the child was not actually exercising the custody rights at the time of removal or retention, or had consented to or subsequently acquiesced in the removal or retention;

...

In considering the circumstances referred to in this Article, the judicial and administrative authorities shall take into account the information relating to the social background of the child provided by the Central Authority or other competent authority of the child's habitual residence."

COMPLAINTS

1. The applicant submitted that, contrary to the findings of the *Conseil d'Etat* in its judgment of 30 June 1999, the provisions of Article 374 of the Civil Code, as amended by the Law of 22 July 1987 ("former Article 374 of the Civil Code"), which were applied to him were incompatible with Article 8 of the Convention. He criticised the *Conseil d'Etat*'s finding, under that Article, that he had not had parental responsibility for his son

when the mother had taken him to Canada, and its conclusion that the child's removal could not therefore be described as "wrongful" for the purposes of the Hague Convention. He complained of his son's removal and asserted that the State had not complied with its positive obligations. He alleged a violation of Article 8 of the Convention.

2. Relying on Article 14 of the Convention, the applicant complained that former Article 374 of the Civil Code had discriminated between fathers and mothers in respect of children born out of wedlock, since parental responsibility was generally granted to the mother rather than the father. He also complained of the difference in treatment between marital and non-marital families regarding the rules by which parental responsibility was granted.

3. Interpreting Article 12 of the Convention by converse implication, the applicant complained of an infringement of his right not to marry. He submitted that he had been penalised regarding the award of parental responsibility for his child on the ground that he was not married.

4. Relying on Article 3 of the Convention, the applicant complained that his and his son's inability to see each other amounted to psychological torture.

5. On the basis of Articles 6 and 13 of the Convention, the applicant complained that the French administrative courts were not independent from the Ministry of Justice.

THE LAW

The applicant claimed to be acting both in his own right before the Court and as his son's legal representative. The Court notes that when the application was lodged with the Court the child was not habitually resident with the applicant and that it was not established that the applicant had parental responsibility for his son. The question arises whether, in view of these circumstances, the applicant can legally represent his son before the Court. However, the Court does not consider it necessary to rule on this question in the instant case because the application must in any event be rejected for the following reasons.

1. The applicant complained that the *Conseil d'Etat* had applied the provisions of former Article 374 of the Civil Code, as in force on 13 May 1992, when M. unilaterally decided to take G. away to live with her in Canada, in considering that he did not have parental responsibility for his child and refusing to intercede on his behalf with the Canadian authorities pursuant to the Hague Convention. He complained of a violation by the relevant authorities of their positive obligations under Article 8 of the Convention, which provides:

> "1. Everyone has the right to respect for his private and family life ...
>
> 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society ... for the protection of the rights and freedoms of others."

The Court reiterates that the notion of family under this provision is not confined to marriage-based relationships and may encompass other *de facto* "family" ties where the parties are living together out of wedlock. A child born of such a relationship is *ipso jure* part of that "family" unit from the moment and by the very fact of its birth. Thus, there exists between the child and its parents a bond amounting to family life (see *Keegan v. Ireland*, judgment of 26 May 1994, Series A no. 290, pp. 17-18, § 44, and *Nylund v. Finland* (dec.), no. 27110/95, ECHR 1999-VI, p. 376). The Court further reiterates that the mutual enjoyment by parent and child of each other's company constitutes a fundamental element of family life, even if the relationship between the parents has broken down, and domestic measures hindering such enjoyment amount to an interference with the right protected by Article 8 of the Convention (see, among other authorities, *Johansen v. Norway*, judgment of 7 August 1996, *Reports of Judgments and Decisions* 1996-III, pp. 1001-02, § 52, and *Bronda v. Italy*, judgment of 9 June 1998, *Reports* 1998-IV, p. 1489, § 51).

The Court notes that it was not disputed in the domestic courts that the applicant was the child's father. The applicant lived with his son from the time of his birth in November 1990 until 13 May 1992, when the mother went to Canada with their child, that is, for nearly one and a half years.

The Court notes firstly that the applicant complained exclusively of the administrative authorities' refusal to intercede on his behalf under the Hague Convention on the ground that he did not have parental responsibility for his son. As he did not complain of any inability freely to exercise his right of access in respect of his child, the Court cannot examine that matter.

The Court reiterates that the essential object of Article 8 is to protect the individual against arbitrary action by the public authorities. There are in addition positive obligations inherent in effective "respect" for family life. In both contexts regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole; and in both contexts the State enjoys a certain margin of appreciation (see *Keegan*, cited above, p. 19, § 49).

The Court has already had an opportunity to rule on the positive obligations imposed on the Contracting States under Article 8 of the Convention in the matter of reuniting a parent with his or her children. It has held on many previous occasions that Article 8 includes a parent's right to the taking of measures with a view to his or her being reunited with his or her child and an obligation on the national authorities to take such action (see, for example, *Ignaccolo-Zenide v. Romania*, no. 31679/96, § 94, ECHR

2000-I, and *Nuutinen v. Finland*, no. 32842/96, § 127, ECHR 2000-VIII). However, the national authorities' obligation to take such measures is not absolute. The nature and extent of these obligations will depend on the circumstances of each case (see *Ignaccolo-Zenide*, cited above, § 94).

Lastly, the Court reiterates that the Convention must be applied in accordance with the principles of international law, in particular those concerning the international protection of human rights (see *Streletz, Kessler and Krenz v. Germany* [GC], nos. 34044/96, 35532/97 and 44801/98, § 90, ECHR 2001-II, and *Al-Adsani v. the United Kingdom* [GC], no. 35763/97, § 55, ECHR 2001-XI). As regards more specifically the positive obligations that Article 8 of the Convention lays on the Contracting States in the matter of reuniting a parent with his or her children, these must be interpreted in the light of the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (see *Ignaccolo-Zenide*, cited above, § 95).

The Court considers that the present case must be distinguished from the cases of *Ignaccolo-Zenide*, cited above, *Maire v. Portugal* (no. 48206/99, ECHR 2003-VII) and *Iglesias Gil and A.U.I. v. Spain* (no. 56673/00, ECHR 2003-V). Those cases concerned the wrongful removal or retention of children. There was therefore no doubt that the Hague Convention was applicable to the facts of those cases and the question arose as to whether Article 8 had been infringed on account of a possible lack of adequate measures by the authorities to secure the child's return. In the instant case, however, the French administrative authorities refused to allow the applicant the protection of the Hague Convention and to take all necessary measures to secure the prompt return of the removed child because the removal of his child could not be considered "wrongful" for the purposes of the Hague Convention since he did not have parental responsibility.

The Court notes that, under the provisions of the Hague Convention, the Central Authorities must take all appropriate measures to secure the prompt return of wrongfully removed children. The Hague Convention provides in that connection that the removal of a child in breach of "rights of custody" must be regarded as "wrongful". Custody includes rights relating to care of the person of the child and in particular the right to determine the child's place of residence. Article 3 of the Hague Convention provides, *inter alia*, that rights of custody may arise in particular by operation of law. This was indeed the case here since, on the date when the child was removed from France to Canada, the relevant provisions of the Civil Code vested the exercise of parental responsibility (which includes rights of custody) in the mother by operation of law, both the father and mother having recognised their "illegitimate" child. In these conditions the removal could not be regarded as "wrongful" within the meaning of the Hague Convention. Accordingly, the applicant, who did not have "rights of custody" within the

meaning of the Hague Convention, could not rely on the protection afforded by that convention.

In view of those considerations, the Court finds that in the present case Article 8 of the Convention, interpreted in the light of the Hague Convention, did not impose positive obligations on the French authorities to secure the return of the child.

The Court accepts, however, that the applicant might challenge the domestic authorities' refusal to recognise that he had parental responsibility for his child, disputing, *inter alia*, the *Conseil d'Etat's* assessment of the compatibility of former Article 374 of the Civil Code with the provisions of the Convention.

The Court reiterates that it is in the first place for the national authorities, notably the courts, to interpret and apply domestic law (see, for example, *Winterwerp v. the Netherlands,* judgment of 24 October 1979, Series A no. 33, p. 20, § 46). It observes further that, as the *Conseil d'Etat* did not find any incompatibility between the applicable provisions of domestic law and those of an international convention, it is not its function to review that court's assessment unless the procedure followed in the French courts appeared to be contrary to the rules laid down by the Convention or arbitrary. Nothing of the sort has been alleged by the applicant however, or, in any event, established in the light of all the evidence.

For all practical purposes, the Court observes that the *Conseil d'Etat* cannot be considered to have "settled" the question of parental responsibility for the child. It merely noted, in the light of the case file, that on the date of the child's removal the applicant had not established that he had rights of custody. Accordingly, the removal could not be regarded as wrongful within the meaning of the Hague Convention, on which the applicant had relied in support of his application.

The Court's task is not to substitute itself for the domestic authorities in the exercise of their responsibilities regarding custody and access issues, but rather to review, in the light of the Convention, the decisions taken by those authorities in the exercise of their power of appreciation (see *Hokkanen v. Finland,* judgment of 23 September 1994, Series A no. 299-A, p. 20, § 55). With regard to former Article 374 of the Civil Code, on which the *Conseil d'Etat* based its refusal to recognise that the applicant enjoyed the protection of the Hague Convention, the Court reiterates that the European Commission of Human Rights ("the Commission") has already had occasion to rule not directly on that statutory provision, which it was not its function to assess *in abstracto*, but on the compatibility with the right to respect for family life, guaranteed by Article 8 of the Convention, of the measures taken by the national authorities on the basis of that provision (see *Dazin v. France*, no. 28655/95, Commission decision of 12 April 1996, unreported; see also, *mutatis mutandis*, *Beaugrand v. France*, no. 32881/96, Commission decision of 16 April 1998, unreported). In *Dazin*, the

Commission noted that, under French law, Article 374, third paragraph, of the Civil Code gave parents who did not have parental responsibility for children born out of wedlock the possibility of requesting the court to vary the award of parental responsibility and that it fell to the domestic courts to determine whether or not it was in the child's interests to do so. Consequently, it held that the relevant authorities' refusal, on the basis of that provision, to grant the applicant joint parental responsibility for his illegitimate child could not be regarded as infringing his right to respect for family life. The Court notes that in the present case there were also procedures by which the applicant could have requested the domestic courts to vary the award of parental responsibility for his child.

The Court notes, firstly, that during their life together the parents did not make use of the opportunity provided for by former Article 374, second paragraph, of the Civil Code, to share parental responsibility by making the appropriate application to the guardianship judge. It notes, secondly, that on 21 April 1993 the applicant lodged an application with the President of the La Rochelle *tribunal de grande instance* for parental responsibility for his son to be awarded henceforth to his father and mother and his habitual residence to be fixed at La Rochelle in France, but that he did not appeal against the order of 24 February 1994 rejecting his application, so that the order became final. In the light of the circumstances of the case, the Court does not therefore see any reason for adopting a different conclusion from the one reached in *Dazin*, cited above.

It follows that the applicant's complaint based on Article 8 of the Convention must be dismissed as manifestly ill-founded pursuant to Article 35 §§ 3 and 4 of the Convention.

2. The applicant also complained that former Article 374 of the Civil Code created discrimination contrary to Article 14 of the Convention, which reads as follows:

> "The enjoyment of the rights and freedoms set forth in [the] Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

The Court reiterates that in *Dazin*, cited above, the Commission found that a similar complaint had not given rise to discrimination contrary to Article 14 of the Convention. It held that, although an unmarried father was in a weaker legal position than a married father since parental responsibility did not, in theory, vest in him, the applicable legislation, namely Article 374 of the Civil Code, as worded before the enactment of the Law of 8 January 1993, provided that fathers of children born out of wedlock could at any time apply to have the arrangements relating to parental responsibility varied and that their application was examined by the appropriate court and each case determined on the basis of the child's interests. It therefore held that it could not be alleged that parental responsibility for a child born out of

wedlock was automatically awarded to the mother rather than the father. The Court reiterates in that connection that the child's interests are paramount in all child custody cases (see *Elsholz v. Germany* [GC], no. 25735/94, ECHR 2000-VIII), and it sees no reason to depart here from the conclusion adopted in *Dazin*.

It follows that this complaint is manifestly ill-founded and must be dismissed in accordance with Article 35 §§ 3 and 4 of the Convention.

3. Relying on Article 12 of the Convention, by converse implication, the applicant complained of a breach of his right not to marry. He complained, under Article 3, that he and his son had been unable to see each other, which had amounted to psychological torture. Relying on Articles 6 and 13, he complained that the French administrative courts were not independent from the Ministry of Justice and that he had therefore not had an effective remedy.

The Court has examined the applicant's complaints as they were submitted. Having regard to all the evidence in its possession, and in so far as it has jurisdiction to examine the allegations, it has not found any appearance of a breach of the rights and freedoms guaranteed by the Convention or its Protocols.

It follows that these complaints must be dismissed as manifestly ill-founded, in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court unanimously

Declares the application inadmissible.