

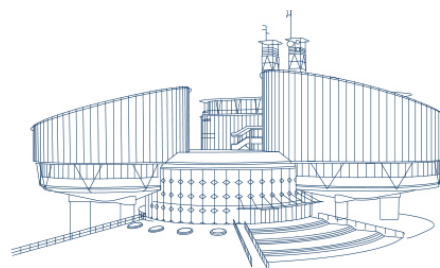
PRESS RELEASE

CONFISCATION OF JOINTLY OWNED PROPERTY FOLLOWING CONVICTION OF APPLICANT'S HUSBAND DID NOT VIOLATE RIGHT TO PEACEFUL ENJOYMENT OF HER POSSESSIONS

Sylvie Vallée v. France

ECHR 211 (2026) 03.09.2026

Issued by the Registrar of the Court



In today's **Chamber** judgment¹ in the case of [Sylvie Vallée v. France](#) (application no. 13598/21) the European Court of Human Rights held, by a majority, that there had been:

no violation of Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights.

The case concerned the confiscation of two properties, owned jointly by the applicant and her husband, in criminal proceedings brought against her husband alone, which had resulted in his conviction for embezzlement.

The applicant complained that she had been unfairly dispossessed of her property following criminal proceedings to which she had not been a party. The confiscation in dispute had resulted in a transfer of ownership to the State of the applicant's and her husband's jointly owned property. Nevertheless, the Court acknowledged, given the specific features of the regime of statutory community of marital property under French law, that the measure constituted an interference with the applicant's right to the peaceful enjoyment of her possessions.

Having regard to the wide discretion ("margin of appreciation") afforded to the national authorities, the Court found that such control of the use of property had struck a fair balance between the applicant's rights and the demands of the general interest, namely the fight against crime. Accordingly, there had been no violation of Article 1 of Protocol No. 1 to the Convention.

After observing that the confiscated property had belonged neither to the applicant nor to her husband individually, but to the marital community, the Court found that the applicant had not suffered any loss of property in her own right. Under Article 1417 of the Civil Code, the marital community had a right to obtain compensation for any financial loss it had sustained as a result of offences committed by one of the spouses. The applicant had the

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

means to trigger that event in her lifetime and thus to benefit indirectly from the compensation.

The Court also relied on the following three factors in support of its decision: the irrelevance of the degree of fault or care of the applicant; the fact that she had benefited from the proceeds of the offence for several years; and her ability to make her observations at the trial hearings and in the ancillary application which she herself had lodged.

PRINCIPAL FACTS AND COMPLAINTS

The applicant, Sylvie Vallée, is a French national who was born in 1967 and lives in Vern-sur-Seiche (France). She married Mr C. on 11 July 1987 under a marital regime whereby all property acquired during marriage was jointly owned. Together the couple bought a flat in Rennes and a plot of land in Vern-sur-Seiche, on which they built a house.

From 1996 Mr C. was employed as an administrative and accounting manager in a company that sold motorcycles. After that company was acquired in 2002, he held the same position in company B. The manager of that company reported Mr C. to the authorities for embezzlement at work. On 4 April 2014 Mr C. was dismissed for serious misconduct, after admitting the facts during an interview prior to his dismissal.

The investigations established that over ten years Mr C. had deposited 212 cheques from his employer's subsidiaries into his and his wife's joint account, for a total amount of 675,923.37 euros (EUR). In two decisions of 6 November 2014, the investigating judge at the Rennes *tribunal de grande instance* ordered the seizure of the couple's two properties as the direct or indirect proceeds of the offence.

In a judgment of 17 December 2015, the Rennes Criminal Court found Mr C. guilty as charged and sentenced him to 18 months' imprisonment. As an additional penalty, the court ordered the confiscation of the properties seized by the investigating judge, which was considered to be the indirect proceeds of the offence.

On 22 June 2017 the Rennes Court of Appeal upheld the judgment, which became final in the absence of an appeal on points of law.

On 5 March 2018 Ms Vallée lodged an ancillary application under Article 710 of the Code of Criminal Procedure. She sought to have the judgment of 22 June 2017 against Mr C. rectified so that the confiscation related only to his share of the jointly owned property.

In a judgment of 21 June 2018, the Rennes Court of Appeal allowed her application and held that the confiscation would apply only to Mr C.'s share of the seized property. It accordingly ordered the restitution to the applicant of her rights over the two properties. The advocate-general at the Rennes Court of Appeal lodged an appeal on points of law. He pointed out that the confiscated properties did not belong to the spouses individually but to the marital community, which had not been dissolved at the date of the decision.

On 23 October 2019 the Criminal Division of the Court of Cassation sought the opinion of the First Civil Division, which was specialised in matrimonial disputes.

In an opinion dated 5 March 2020, the First Civil Division of the Court of Cassation replied that "[t]he legal regime applicable to jointly owned property preclud[ed] any such property which [was] confiscated in full and transferred to State ownership from remaining subject to the rights of the innocent spouse to that property". In a judgment of 9 September 2020, in line with the opinion of the First Civil Division, the Criminal Division of the Court of Cassation quashed the Rennes Court of Appeal's judgment of 21 June 2018 in its entirety, without remitting the case for reconsideration.

The confiscated properties were sold for a total of EUR 663,705, all of which was used to compensate the civil party.

Relying on Article 1 of Protocol No. 1 (protection of property) to the Convention, the applicant complained that she had been unfairly dispossessed of her property following criminal proceedings to which she had not been a party.

OUTCOME

REASONING OF THE COURT

The Court began by pointing out that under Articles 1401 and 1402 of the Civil Code, the confiscated property had belonged neither to the applicant nor to her husband individually, but to the marital community. The confiscation measure in dispute had therefore resulted in a transfer of ownership to the State of the applicant's and her husband's jointly owned property. Nevertheless, the Court was prepared to acknowledge, given the specific features of the regime of statutory community of marital property under French law, that the confiscation constituted an interference with the applicant's right to the peaceful enjoyment of her possessions. The Court thus decided to examine the interference in the light of the second paragraph of Article 1 of Protocol No. 1, which concerned control of the use of property.

After noting that the interference had been provided for by law (fifth paragraph of Article 131-21 of the Code of Criminal Procedure) and had pursued a legitimate aim (the fight against crime), the Court sought to ascertain whether a fair balance had been struck between the demands of the general interest and the protection of the applicant's fundamental rights, having regard to the discretion afforded to the State in such matters.

The applicant had benefited from the proceeds of the offence for several years. For example, the house in which she had lived until 2021 had been fully renovated and fitted out with the money from her husband's embezzlement. That money had also been used to repay the mortgages on those properties, generating substantial savings for the couple.

The properties in question were seized in November 2014, at the beginning of the judicial investigation. But that seizure had not resulted in any loss of use for the applicant, who had been able to continue to live in her home and to rent out the second property during the criminal proceedings against her husband, which had lasted six years.

After the case had come to an end, Article 131-21 of the Criminal Code had been found to be unconstitutional on the ground that it did not provide for the possibility that an unconvicted spouse or third party assert his or her rights in court – a situation remedied by a subsequent reform. During the criminal proceedings against her husband, which had resulted in the confiscation of their jointly owned property, the applicant had not, therefore, been granted the status of a party or been able to submit her observations on the matter to the trial courts. However, she had not been ignorant of those proceedings, since she had been notified of the seizure on 6 November 2014, she had been put under investigation to determine whether she had been aware of her husband's actions and she had had full knowledge of her husband's prosecution and subsequent conviction at first instance and on appeal. She could thus have attended the trial hearings in order to make her observations regarding the confiscation of the property.

Furthermore, the applicant had, in fact, been able to submit her arguments in the ancillary application which she herself had lodged under Article 710 of the Code of Criminal Procedure. That avenue could be regarded as an adequate and effective remedy in respect of her grievances prior to the above-mentioned reform.

Lastly, with regard to the possibility of obtaining compensation, the applicant had not suffered any loss of property in her own right. Under Article 1417 of the Civil Code, the marital community had a right to obtain compensation for any financial loss it had sustained as a result of offences committed by one of the spouses. That compensation would be calculated

upon the dissolution of the marital community in accordance with Articles 1468 and 1472 of the Civil Code. The date of any such calculation had not yet been set. However, the applicant had the means to trigger that event in her lifetime and thus to benefit indirectly from the compensation – which was certain in principle, as attested by the Court of Cassation’s judgment.

In conclusion, having regard to the wide discretion afforded to the national authorities, the Court found that the interference with the applicant’s right to the peaceful enjoyment of her possessions had not made her bear an individual and excessive burden and that a fair balance had been struck between her rights and the demands of the general interest of the community. The interference had therefore been proportionate to the legitimate aim pursued. Accordingly, there had been no violation of Article 1 of Protocol No. 1 to the Convention.

PROCEDURE AND COMPOSITION OF THE COURT

The application was lodged with the European Court of Human Rights on 4 March 2021.

Judgment was given by a Chamber of seven judges, composed as follows:

Kateřina Šimáčková (the Czech Republic), *President*,
Gilberto Felici (San Marino),
Mattias Guyomar (France),
Andreas Zünd (Switzerland),
Vahe Grigoryan (Armenia),
Sébastien Biancheri (Monaco),
Nicholas Emiliou (Cyprus),

and also Martina Keller, *Deputy Section Registrar*.

The judgment is available only in English.

The Court’s judgments finding a violation are binding on the State concerned. The [Committee of Ministers](#) of the Council of Europe, the executive body of the Council of Europe, supported by the [Department for the Execution of Judgments of the European Court of Human Rights](#), is responsible for supervising their implementation.

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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.