



A court ruling against *Paris Match* for publishing information about Prince Albert of Monaco's private life breached the right to freedom of expression

In today's **Grand Chamber** judgment¹ in the case of **Couderc and Hachette Filipacchi Associés v. France** (application no. 40454/07) the European Court of Human Rights held, unanimously, that there had been:

a violation of Article 10 (freedom of expression) of the European Convention on Human Rights.

The case concerned a court ruling against the weekly magazine *Paris Match* for having published information about Prince Albert of Monaco's private life.

The Court found in particular that, given the nature of the information in question, the applicants could be understood as having contributed to the coverage of a subject of public interest. It observed that the disputed publication admittedly concerned the sphere of Prince Albert's private life, but considered that the essential element of the information contained in the article – the child's existence – went beyond the private sphere, given the hereditary nature of the Prince's functions as the Monegasque Head of State.

The Court therefore considered that the arguments advanced by the Government with regard to the protection of Prince Albert's private life and of his right to his own image could not be regarded as sufficient to justify interfering with the judgment in question. The domestic courts had not given due consideration to the principles and criteria for balancing the right to respect for private life and the right to freedom of expression as laid down by the case-law of the European Court of Human Rights.

Principal facts

The applicants are Anne-Marie Couderc, a French national who was born in 1950, lives in Levallois-Perret and is the publication director of *Paris Match*, and the company Hachette Filipacchi Associés, which publishes the weekly magazine *Paris Match* and has its registered office in Levallois-Perret.

On 3 May 2005 the British newspaper the *Daily Mail* published an article in which an individual named Ms Coste claimed that her son's father was Albert Grimaldi, reigning prince of Monaco. The British newspaper mentioned a forthcoming publication in *Paris Match*, and set out its core elements. Having been informed that an article was about to appear in *Paris Match*, Prince Albert served notice on the applicants on the same date to refrain from publishing the article. On 4 May 2005 the German weekly magazine *Bunte* published the interview with Ms Coste. On 5 May 2005, in spite of the Prince's notice to refrain, *Paris Match* published the article, which consisted of an interview with Ms Coste, who claimed that Prince Albert was the father of her child. The article was accompanied by photographs showing Prince Albert with the child in his arms.

On 19 May 2005, considering that the article's publication in *Paris Match* infringed his rights to private life and to protection of his own image, Prince Albert brought proceedings against the applicants, seeking damages from the publishing company and an order that it publish the court's ruling on the front cover of the magazine.

1. Grand Chamber judgments are final (Article 44 of the Convention). All final judgments are transmitted to the Committee of Ministers of the Council of Europe for supervision of their execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

On 29 June 2005 the Nanterre *Tribunal de Grande Instance* ordered the company Hachette Filipacchi Associés to pay Prince Albert 50,000 euros (EUR) in non-pecuniary damages, and also ordered that details of the judgment be printed on *Paris Match*'s entire front cover, under the headline "Court order against *Paris Match* at the request of Prince Albert II of Monaco". The judgment was immediately enforceable. The court considered that the entire article and the accompanying photographs fell within the most intimate sphere of Prince Albert's love and family life and that it did not concern any debate of general interest. The applicants lodged an appeal.

In a press release of 6 July 2005 Prince Albert publicly acknowledged that he was the child's father. On 24 November 2005 the court of appeal gave judgment, concluding that the publication in *Paris Match* had caused Prince Albert irreversible damage, in that the fact of his paternity, which had remained secret from the child's birth until publication of the contested article, had suddenly, and against his will, become public knowledge. The court of appeal upheld the order to pay EUR 50,000 in damages and amended the conditions of publication of the court ruling, which was not to appear under a headline and was to take up only one third of the front cover.

Alleging a violation of Article 10 of the European Convention, the applicants lodged an appeal on points of law, which was dismissed.

Complaints, procedure and composition of the Court

Relying on Article 10 (freedom of expression), the applicants complained that the court judgment against them had amounted to unjustified interference with the exercise of their right to freedom of information.

The application was lodged with the European Court of Human Rights on 24 August 2007. On 12 June 2014 a Chamber of the Fifth Section of the Court delivered a [judgment](#). It found that the judgment against the applicants had made no distinction between information which formed part of a debate of general interest and that which merely concerned details of the Prince's private life. In consequence, it considered that there had been no reasonable relationship of proportionality between the restrictions imposed by the domestic courts on the applicants' right to freedom of expression and the legitimate aim pursued, and concluded that there had been a violation of Article 10. On 11 September 2014 the Government requested that the case be referred to the Grand Chamber under Article 43 of the Convention (referral to the Grand Chamber). On 13 October 2014 the panel of the Grand Chamber accepted that request. A hearing was held on 15 April 2015.

Judgment was given by the Grand Chamber of 17 judges, composed as follows:

Dean **Spielmann** (Luxembourg), *President*,
Josep **Casadevall** (Andorra),
Işıl **Karakaş** (Turkey),
Khanlar **Hajiyev** (Azerbaijan),
Päivi **Hirvelä** (Finland),
Mirjana **Lazarova Trajkovska** ("the Former Yugoslav Republic of Macedonia"),
Ledi **Bianku** (Albania),
Julia **Laffranque** (Estonia),
Paulo **Pinto de Albuquerque** (Portugal),
Erik **Møse** (Norway),
Helen **Keller** (Switzerland),
André **Potocki** (France),
Aleš **Pejchal** (the Czech Republic),
Johannes **Silvis** (the Netherlands),
Valeriu **Griţco** (the Republic of Moldova),
Robert **Spano** (Iceland),
Branko **Lubarda** (Serbia),

and also Søren Prebensen, Deputy Grand Chamber Registrar.

Decision of the Court

Article 10 (freedom of expression)

The Court reiterated that there was little scope under Article 10 § 2 of the Convention for restrictions on freedom of expression when a matter of public interest was at stake. In the present case, the domestic courts had found a “lack of any topical news item” and “any debate on a matter of public interest” in the contested publication, since the child was barred from succession to the throne. They had considered that the article published in *Paris Match* amounted to an invasion of Prince Albert’s private life, which could not in any way be justified by the requirements of current-affairs reporting, which they held to be “inexistent”.

The Court considered that it was necessary to assess the article as a whole in order to determine whether the content of the interview disclosing the Prince’s fatherhood could be understood as constituting information on a question of public interest. The Court accepted that the interview with Ms Coste contained numerous details about Prince Albert’s private life and his real or supposed feelings which were not directly related to a debate of public interest. Nonetheless, there was no doubt that the publication, taken as a whole and in context, and analysed in the light of the Court’s case-law precedents, also concerned a matter of public interest.

The Court considered it useful to point out that although a birth was an event of an intimate nature, it did not come solely within the private sphere of the persons concerned by it, but also fell within the public sphere, since it was in principle accompanied by a public statement and the establishment of a legal parent-child relationship. A news report about a birth could not therefore be considered, in itself, as a disclosure concerning exclusively the details of the private life of others, intended merely to satisfy the public’s curiosity.

Having regard to the specific features of the Principality of Monaco, the Court considered that there was an undeniable public-interest value – at least for the subjects of the Principality – in the fact that Prince Albert, who was known at the relevant time as being single and childless, had a male child. Indeed, at the relevant time this child’s birth was not without possible dynastic and financial implications. Among other points, the question of legitimisation by marriage could be raised, even if such an outcome was improbable. Further, the consequences of the birth on the succession had been mentioned in the article. In addition, through Ms Coste’s comments the article also touched on the child’s best interests in having the father-child relationship officially established.

In the present case, the contested information was not without political import, and could arouse the interest of the public with regard to the rules of succession in force in the Principality. These rules prevented children born outside marriage from succeeding to the throne. Likewise, the attitude of the Prince, who had wished to keep his paternity a secret and refused to acknowledge it publicly, could, in a hereditary monarchy, also be of concern to the public. This was equally true with regard to his behaviour in respect of the child’s mother, who had been unable to obtain the notarial deed of recognition of her son, and the child himself: this information could provide insights into the Prince’s personality, and the way in which he approached and assumed his responsibilities.

Having regard to the nature of the information in issue, the Court found no reason to doubt that, in publishing Ms Coste’s account, the applicants could be understood as having contributed to the coverage of a subject of public interest.

The Court noted that Prince Albert was undeniably a prominent public figure. The domestic courts ought therefore to have considered the extent to which the Prince’s prominence and the public functions attached to his person were capable of influencing the protection which could be afforded

to his private life. Yet the domestic courts had refrained from including this circumstance in their assessment of the facts submitted for their examination. Given that the expectation of protection of private life could be reduced on account of the public functions exercised, the Court considered that, in order to ensure a fair balancing of the interests at stake, the domestic courts ought to have taken into account the potential impact of the Prince's status as Head of State, and to have attempted, in that context, to determine the parts of the contested article that belonged to the strictly private domain and what could fall within the public sphere.

The Court observed that the disputed publication admittedly concerned the sphere of the Prince's private life, but considered that the essential element of the information contained in the article – the child's existence – went beyond the private sphere, given the hereditary nature of the Prince's functions as the Monegasque Head of State. Further, given that Prince Albert had appeared on several occasions in public alongside Ms Coste, the Court considered that the existence of his relationship with her was no longer purely a matter concerning his private life.

The Prince's private life had not been the sole subject of the article, but it also concerned the private life of Ms Coste and the child, for whom the mother alone had parental responsibility. The disputed article had been a means of expression for Ms Coste and her son. The veracity of Ms Coste's statements with regard to the Prince's paternity has not been contested by Prince Albert, who himself publicly acknowledged it shortly after the article in question had been published. In this connection, the Court reiterated the essential nature of the veracity of the disseminated information: respect for this principle was fundamental to the protection of the reputation of others.

The Court therefore considered that it had been for the domestic courts to assess the disputed interview in such a way as to differentiate and weigh up what, in Ms Coste's personal remarks, was likely to fall within the core area of Prince Albert's private life and what could be of legitimate interest to the public. Yet they had failed to do so, denying that there was any "topical" value to the news about the existence of Prince Albert's son and finding that it did not form part of "any debate on a matter of public interest which would have justified its being reported ... on the grounds of legitimate imparting of information to the public".

In the light of these considerations, the Court considered that the arguments advanced by the Government with regard to the protection of Prince Albert's private life and of his right to his own image could not be regarded as sufficient to justify the interference in question. The domestic courts had not given due consideration to the principles and criteria for balancing the right to respect for private life and the right to freedom of expression as laid down by the Court's case-law.

The Court concluded that there had been a violation of Article 10.

[Article 41 \(just satisfaction\)](#)

As the applicants had not quantified their claims in respect of the damage sustained, nor provided supporting documents, the Court could not allow their claim for compensation. The Court held that France was to pay the applicants 15,000 euros (EUR) in respect of costs and expenses.

The judgment is available in English and 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.