European Court of Human Rights: Couderc and Hachette Filipacchi Associés v. France

IRIS 2016-1:1/3

Dirk Voorhoof
Human Rights Centre, Ghent University and Legal Human Academy

The Grand Chamber's judgment in Couderc and Hachette Filipacchi Associés v. France elaborates on the appropriate standards for privacy and media coverage on issues related to the private life of public persons (see also IRIS 2014-3/1). In 2005, the French magazine Paris Match was ordered to pay EUR 50,000 in damages and to publish a statement detailing the judgment of the Versailles Court of Appeal finding a breach of privacy, because of an article which caused damage to Albert II of Monaco. The impugned article in Paris Match contained an interview with the former lover of Albert Grimaldi, Ms Coste, who claimed that Albert Grimaldi, who had become the reigning prince of Monaco, was the father of her son. In particular, the interview described the circumstances in which Ms Coste had met the Prince, their intimate relationship, their feelings, and the manner in which the Prince had reacted to the news of Ms Coste's pregnancy and had behaved towards the child at his birth and afterwards. Ms Conte also revealed that she was living in the Prince's Paris apartment and that she received an allowance from him, being the mother of his illegitimate child. The article was illustrated by several photographs showing the Prince with the child in his arms and with Ms Coste. Considering that the publication of the article in Paris Match interfered with his right to private life and to protection of his own image, the Prince had brought proceedings against Paris Match, seeking damages from the publishing company and an order to publish the court's ruling. The French Court of Cassation confirmed the finding of the invasion of Albert Grimaldi's privacy, inter alia on the grounds that "every person, whatever his rank, birth, fortune or present or future functions, is entitled to respect for his private life".

The publication director, Ms Couderc, and the publishing company, of the weekly magazine Paris Match lodged an application with the European Court of Human Rights (ECtHR) against France, complaining about an unjustified interference with their right to freedom of expression under Article 10 of the European Convention on Human Rights (ECHR). The Fifth Section of the ECtHR, in a judgment of 12 June 2014, held, by four votes to three, that there had been a violation of Article 10 of the Convention. The Chamber judgment, however, did not become final. On request of the French Government, the case was referred to the Grand Chamber. In its judgment of 10 November 2015, the Grand Chamber confirms the finding of a violation of Article 10 ECHR. The Court refers to the relevant criteria applied in other cases in which the rights under Article 8 and 10 needed to be balanced.

© European Audiovisual Observatory (Council of Europe) 2026

These criteria are: 1. contribution to a debate of public interest and the subject of the news report; 2. the degree of notoriety of the person affected; 3. the prior conduct of the person concerned; 4. the content, form and consequences of the publication; 5. the circumstances in which the photographs were taken, the way in which the information was obtained and its veracity; and 6. the gravity of the penalty imposed on the journalists or publishers.

In relation to the first aspect, the Court finds that the birth of the Prince's illegitimate son could not come solely within the private sphere of Albert Grimaldi, as the disclosure of the Prince's fatherhood could be understood as constituting information on a question of public interest, as at the material time the child's birth was not without possible dynastic and financial implications. According to the Court, the impugned information also had a political dimension. It further emphasises "that the press's contribution to a debate of public interest cannot be limited merely to current events or pre-existing debates. Admittedly, the press is a vector for disseminating debates on matters of public interest, but it also has the role of revealing and bringing to the public's attention information capable of eliciting such interest and of giving rise to such a debate within society".

The Grand Chamber is particularly critical of the domestic courts' failure to weigh up the Prince's right to privacy with that of his son and the child's mother. Ms Coste had willingly given the interview and revealed certain details of her private affair with the Prince. The resulting disputed article had made clear that her son's right to public recognition by his father was of utmost importance to her, and was a key reason for her decision to publicise the issue. Hence, Ms Coste "was certainly not bound to silence" and the Prince's private life was not the sole subject of the article. It also concerned the private life of Ms Coste and her son, her pregnancy, her own feelings, the birth of her son, a health problem suffered by the child and their life together. The Court emphasises "that the combination of elements relating to Ms Coste's private life and to that of the Prince had to be taken into account in assessing the protection due to him".

The Court also refers to the fairness of the means used to obtain the information and reproduce it for the public, and the respect shown for the person who is the subject of the news report: Ms Coste herself contacted Paris Match, the veracity of the information is not disputed and the pictures which illustrate the interview were handed over voluntarily by Ms Coste to Paris Match. In addition, the photographs taken with the Prince were not taken without his knowledge and were taken in public places, raising no particular issues. The magazine furthermore cannot be criticised for enhancing the article and striving to present it attractively, provided that this does not distort or deform the information published and is not such as to mislead the reader. With regard to the photographs illustrating the article which show the Prince holding the child, the Court reiterates that Article 10 ECHR leaves it for journalists to decide whether or

© European Audiovisual Observatory (Council of Europe) 2026

not it is necessary to reproduce such documents to ensure credibility. While there is no doubt that these photographs fell within the realm of the Prince's private life and that he had not consented to their publication, their link with the impugned article however was not tenuous, artificial or arbitrary, and their publication could be justified by the fact that they added credibility to the account of events. The pictures were neither defamatory, depreciatory or pejorative for the Prince's image.

The Court finally reiterates that in the context of assessing proportionality, "any undue restriction on freedom of expression effectively entails a risk of obstructing or paralysing future media coverage of similar questions", while the order to pay EUR 50,000 in damages and to publish a statement detailing the judgment cannot be considered as insignificant penalties.

The Court concluded that the arguments for the protection of the Prince's private life and his right to his own image, although relevant, cannot be regarded as sufficient to justify the interference at issue. The French courts did not give due consideration to the principles and criteria as laid down by the Court's case-law for balancing the right to respect for private life and the right to freedom of expression. They thus exceeded the margin of appreciation afforded to them and failed to strike a reasonable balance of proportionality between the measures restricting Paris Match's right to freedom of expression, and the legitimate aim pursued. The Court therefore, unanimously, concludes that there has been a violation of Article 10 of the Convention.

Arrêt de la Cour européenne des droits de l'homme (Grande chambre), Couderc et Hachette Filipacchi Associés c. France, requête n°40454/07 du 10 novembre 2015

https://hudoc.echr.coe.int/eng?i=001-158855

Judgment by the European Court of Human Rights (Grand Chamber), Couderc and Hachette Filipacchi Associés v. France, Application no. 40454/07 of 10 November 2015

https://hudoc.echr.coe.int/eng?i=001-158861

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026