

E.B. v. France

[Case Law](#), [Legal Protection](#), [Adoption](#), [European Court of Human Rights](#), [Family](#), [France](#), [Strategic Litigation](#)

Individual adoption

(Application No. 43546/02), 3 June 2005

[Find Court's judgement here.](#) (Violation of Article 14 of the Convention taken in conjunction with Article 8 + award of damages)

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- The applicant, an unmarried lesbian woman, was **excluded from the possibility of adopting** a child. She alleged that she had suffered **discriminatory treatment** based on her **sexual orientation** which had interfered with her right to respect for her private life (Articles 14 and 8).
- ILGA-Europe, together with FIDH, BAAF and APGL submitted the following:
 - Requiring governments to provide objective scientific evidence to justify a difference in treatment is essential to protect a minority against discrimination, because it ensures that the difference in treatment does not reflect a social prejudice against the minority.
 - The most deep-seated and harmful social prejudice against lesbian and gay individuals is that they cannot be trusted to care for children. All reputable scientific studies have shown that the children of lesbian and gay parents are not more likely to suffer from emotional or other problems than the children of heterosexual parents.
 - As long as the opportunity of applying to adopt a child as an unmarried individual exists in France for heterosexual individuals (whether or not they are living with a different-sex partner), Articles 14 and 8 ECHR do not permit French administrative officials and courts to exclude openly lesbian and gay individuals (whether or not they are living with a same-sex partner), solely because of their sexual orientations.
- The European Court of Human Rights delivered its [judgment on 22 January 2008](#).
- In the Court's view, the **applicant's avowed homosexuality was a decisive factor** leading to the decision to **refuse her authorisation to adopt**. The domestic authorities made a distinction based on considerations regarding her sexual orientation, a distinction which is not acceptable under the Convention. Accordingly, there has been a **breach of Article 14 of the Convention taken in conjunction with Article 8**.