



**International
Lawyers
Project**

FRANCE

**VICTIMS OF CORRUPTION:
DAMAGE REPARATION
AND LEGAL STANDING**

**INTERNATIONAL
DATABASE
2022**

**SOURCE: INTERNATIONAL LAWYERS
PROJECT**

VICTIMS OF CORRUPTION WORKING GROUP

UNCA CIVIL **Coalition**
SOCIETY

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<https://uncaccoalition.org/victims-of-corruption-working-group/>

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SOURCE: International Lawyers Project

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¹ Note, we are only qualified to advise on US and UK law, and as such are not qualified in this jurisdiction.

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1. Legal Standing

1.1 Legal standing for civil society organisations and/or citizens in corruption-related cases

Civil society organisations have legal standing in corruption cases.
Citizens do not have legal standing in corruption cases.

1.2 Type of Cases

- Criminal

1.3 Legal basis under which citizens have legal standing

Under France's traditional civil law system, an individual may bring an action "to raise or combat a claim, or defend a specific interest" for "cases in which the law confers a right to act."²

Based on a 2010 decision by the Cour de Cassation regarding the "personal and direct damage" provision of the French Criminal Code, an approved civil society organization can bring a criminal complaint if the offense impairs the interests that the association is organized to defend. This interpretation was codified in 2016 at Article 2-23 of the French Code of Criminal Procedure, which provides that an approved association in existence for five or more years may "exercise the rights of a civil party" in corruption-related cases.

1.4 Citizens and/or civil society's intervention in corruption cases in other capacities (e.g. third party contributors, expert input, etc)

There is no possibility for citizens and/or civil society's intervention in corruption cases in other capacities.

² French Code of Civil Procedure, art. 31.

1.5 State’s entitlement to represent the citizens collectively in corruption cases and whether its intervention excludes direct intervention by citizens

In 2017, the Transparency, Anti-Corruption and Economic Modernisation Act (widely known as “Sapin II”) [led to the creation of the Agence Française Anti-Corruption](#) (“AFA”), a civil enforcement agency tasked with preventing and civilly punishing corruption.

Brief description of the situation in this country: Sapin II provided a comprehensive overhaul of anti-corruption efforts, increasing obligations on companies to maintain effective compliance programs and expanding the scope of extraterritorial prosecutions. See overviews [here](#) and [here](#).

1.6 Legal standing of any foreign government or foreign-based non-governmental institution to bring corruption cases on behalf of this country’s citizens

No foreign government or foreign-based non-governmental institution has legal standing to bring corruption cases on behalf of this country’s citizens.

2. Cases

2.1 Existence of corruption-related cases brought to Court by civil society organisations, journalists, or citizens

In the aforementioned 2010 corruption case ruling, which related to a French money-laundering investigation regarding the assets held in France by foreign heads of state Denis Sassou Nguesso (Congo), Omar Bongo Ondimba (Gabon, deceased), and Teodoro Obiang Mbasogo (Equatorial Guinea), the French Cour de Cassation [upheld the complaint of Transparency International France](#), a civil society organization.³ The property at issue included tens of millions of euros in public funds and luxury homes located in France.

³ Transparency International is an international organization whose [mission](#) is “to stop corruption and promote transparency, accountability and integrity at all levels and across all sectors of society.”

3. Collective Damage

3.1 Legal instruments that enable claiming reparation, compensation, or restoration of collective damages in any field (environmental damages, human rights, corruption, among others)

There are no legal instruments that enable claiming reparation, compensation, or restoration of collective damages in any field.

3.2 Procedures for advancing class-actions

French civil courts have jurisdiction over the certification and prosecution of class actions.⁴ Class actions may be brought by similarly or identically situated consumers having suffered an individual economic loss, the common cause of which is a defendant's breach of its legal or contractual obligations in the context of a sale of goods or the provision of services or due to its infringement of competition law.

4. The Role of the victims of corruption

4.1 Definition of victims of corruption or common definition used by the courts in this country

There is no definition of victims of corruption.

4.2 Cases that recognize the role of victims

There are no cases that recognize the role of victims.

4.3 Corruption-related court cases (criminal, civil, administrative) that awarded compensation to individuals or to identifiable or

⁴ See [Overview](#).

non-identifiable groups of victims to repair the damage caused by the corruption offense

There are no corruption-related court cases that awarded compensation to individuals or non-identifiable groups of victims to repair the damage caused by the corruption offense.

4.4 Innovative or effective mechanisms that can be considered good practice regarding the recognition and compensation of victims in corruption-related cases

We are not aware of any innovative or effective mechanisms that can be considered good practice regarding the recognition and compensation of victims in corruption-related cases.

5. Available Information

5.1 Information published by enforcement authorities (including control agencies) about corruption enforcement actions

The AFA issues [yearly reports](#) of its activity enforcing corruption-related offenses. [Per the UNCAC Coalition](#), France does not publish data specifically on asset recovery.

Type of Information: per above, AFA reports include details regarding cooperation with French and foreign authorities as well as recommendations for countries in France to maintain sufficient compliance procedures.

5.2 Feasible access to information on ongoing or concluded cases

Access to court decisions is possible through the website [Legifrance](#)

5.3 Ways for citizens or civil society organisations to gather information on whether corruption cases are being investigated or trialed.

Information on corruption cases is available through [Legifrance](#) or major news outlets.

6. Supplementary information

6.1 Main identified barriers that prevent CSOs, citizens, and journalists from standing as victims of corruption cases.

France has been a global legal innovator by granting CSOs standing to bring anti-corruption cases.

6.2 Other aspects, issues, provisions, or practices linked to the role, recognition, and compensation of victims of corruption.

A [July 2021 legislative enactment](#) from the French National Assembly set out a framework to establish a program under the Ministry of Foreign Affairs whereby “the proceeds from the transfer of confiscated property to persons definitively convicted of money laundering are returned, as close as possible to the population of the foreign State concerned.”