Right to respect for private and family life (Article 8)

Under **paragraph 1, everyone has the right to respect for his or her private and family life, home and correspondence**.

"**Private life**" is much wider than privacy (which is mainly about rights to confidentiality and seclusion). It covers, among other things, personal identity; sexual orientation and activity; gender identity; data protection; freedom from noise or toxic emissions; and freedom from harassment.

"**Family life**" similarly is a wide concept under the Convention, going well beyond a traditional married couple with children. It covers unmarried couples; same sex couples and transsexuals; near relatives such as grandparents and grandchildren; and siblings.

"**Home**" requires a victim to show sufficient and continuous links with the place where they live, but it need not be occupied by them at all times. The right protects the peaceful enjoyment of living in the home, free from unauthorised entry and also from nuisances like noise and other pollution.

"**Correspondence**" covers not only letters (especially from prisoners) but telephone conversations, emails and texts.

"**Respect**" involves both **negative and positive** obligations. Negatively, it is an obligation not to interfere with the rights arbitrarily. Positively, it may involve the adoption of measures designed to secure respect for private and family life not only in relations between the State and the individual but also in the sphere of relations between individuals. In all actions concerning children, the best interests of the child are a primary consideration.

Paragraph 2 follows the pattern explained above, permitting no interference with the right except such as is in accordance with the law and necessary in a democratic society for a legitimate aim. In Article 8 the permitted aims are:

- ▶ **national security, public safety or the economic well-being of the country;**
- ▶ **prevention of disorder or crime;**
- ▶ **protection of health or morals, or;**
- ▶ **protection of the rights and freedoms of others.**