

Right to Private and Family Life

Course objectives:

The course is aimed to disclose the content, main features and application of right to private and family life in the universal and regional human rights protection systems with the particular focus on the Europe region and the European Convention on Human Rights. The course is specifically designed to address the needs and interests of students of international studies, in particular, those engaged in the study of human rights protection. The course also includes the analysis of the most recent and most important case-law and the influence of COVID-19 pandemic and used measures to the right to private and family life.

Learning Outcomes:

On completion of the course the students will be able to:

- Compare the international human rights law system and regional human rights law systems;
- Evaluate the various mechanisms and procedures for the protection of the right to private and family life;
- Critically assess specific areas of right to private and family life with reference to relevant legal instruments and contemporary cases;
- Draft a legal document in the form of an application, reasoned opinion, declaration or resolution concerning right to private and family life.
- Acquire basic competency in legal writing and research.

Syllabus

1. Introduction to the right to private life.

- Legal regulation (ECHR, EU law, UN instruments, national legislation)
- Content
- Limitation clause
- State obligations
- Test for the examination of the case on right to private life
- Challenges and tendencies
- influence of COVID-19 pandemic and used measures to the right to private and family life

2. Various aspect of the right to private life

- Mental illness
- Health care and treatment
- Sexual orientation and sexual life
- gender identity
- Right to name
- Right to image
- And others

3. Right to family life

- Notion of “family”
- Family ties
- Couples

- Parents
 - Children
 - Immigration and expulsion
- 4. Right to respect for ones home**
- Notion of “home”
 - Content
 - Forced evictions
 - Demolition of housing
 - Searches
 - Environmental issues
 - Right to respect for one home v. right to housing
- 5. Right to respect for correspondence**
- concept of “correspondence”
 - censure of mail of prisoners
 - surveillance of telecommunications
 - correspondence at work place
- 6. Right to private life v. right to freedom of expression**

Literature

Roagna Ivana Protecting the right to respect for private and family life under the European Convention on Human Rights

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168007ff56>

Methods

Lectures and practical seminars