



THE RIGHT TO RESPECT FOR PRIVATE AND FAMILY LIFE

→ Everyone has the right to respect for his or her private and family life, home and communications.

The right to private and family life has been and is often interpreted in discriminatory ways, with *de facto* equality of all family units before the law yet to be accomplished. Women have historically not been granted equal rights as members of families, creating a material and symbolic dependence of women in relation to men which still echoes in today's laws and legal interpretations.

The right to family life is often at stake in the context of migration. Many women face administrative and financial barriers preventing from accessing their right to family reunification. Family reunification is a right under Article 44 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

In the context of family reunification, it is important to consider the issue of legal status. Many women and girls are maintained

into situations of violence because they lack an independent legal status following their migration journey and are therefore prevented from seeking support. This can concern victims of child marriages and other forms of forced marriages, as well as victims of domestic violence.

Forced sterilisation of women is a violation of the fundamental rights of respect for private and family life, often targeting women with disabilities or racial minorities such as Roma women.

The project documents do not reflect the views of the European Commission.



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Relevant norms from international legal documents

Universal Declaration of Human Rights – Article 16

CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women):

Article 16

General Recommendation No. 21 - Equality in marriage and family relations

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Council of Europe Recommendation on protecting the rights of migrant, refugee, and asylum-seeking women and girls

Directive 2004/38/EC (on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States)

Council Directive 2003/86/EC (on the right to family reunification for third-country nationals)

Convention on the Rights of Persons with Disabilities – Article 23

Nelson Mandela Rules - Standard Minimum Rules for the Treatment of Prisoners:

Rule 28

Rule 29

Rule 45

Jurisprudence

European Court of Human Rights

ECtHR, Pajić v. Croatia (Application no. 68453/13), 23rd of May 2016

ECtHR, Sen v. The Netherlands (Application no. 31465/96), 21st of December 2001

ECtHR (Grand Chamber), Jeunesse v. The Netherlands (Application no. 12738/10), 3rd of October 2014

ECtHR (Grand Chamber), Biao v. Denmark (Application no. 38590/10), 24th of May 2016

ECtHR, Tanda-Muzinga v. France (Application no. 2260/10), 10th of July 2014

ECtHR, N.B. v. Slovakia (Application no. 29518/10), 12th of June 2012

European Court of Justice

ECJ, Ruiz Zambrano v Office national de l'emploi (Case C-34/09), 8th of March 2011

ECJ, European Parliament v. Council of the European Union (Case C-540/03), 27th of June 2006

ECJ, Blaise Baheten Metock and Others v Minister for Justice, Equality and Law Reform (Case C-127/08), 25th of July 2008

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