

Women's Rights Perspective on the EU Charter of Fundamental Rights



Article 7 of the EU Charter of Fundamental Rights: 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 historically been interpreted in ways that maintain inequality between women and men, with women often dependent on men for legal and economic rights within families. Men have traditionally held sole legal authority over family matters, reinforcing women's dependence. Meanwhile, legal instruments have often ignored the reality of the existence of different family structures, with heteronormativity heavily influencing family law.

While the EU Directive 2003/86/EC on **family reunification** aims to preserve family unity for third-country nationals, its implementation often prioritises economic considerations over the fundamental right to family life. Obstacles such as socio-economic requirements are put in place by Member States, an approach that can lead to discrimination, constituting a potential violation of article 7 (right to family life) and article 21 (non-discrimination) of the EU Charter of Fundamental Rights.

Some EU Member States, while granting individuals the right to family reunification, do not guarantee an **independent legal status** to the spouse - generally a woman - entering the country through this channel. This can lead to vulnerability to domestic violence, limited access to rights and barriers to seeking legal redress, amounting to potential violations of the EU Charter of Fundamental Rights, notably article 1 (human dignity), article 3 (right to integrity), article 6 (right to liberty and security), article 7 (right to family life), article 21 (non-discrimination), and 47 (right to an effective remedy and to a fair trial).

Forced sterilisation of women, targeting particularly those with disabilities and from ethnic minorities, constitutes a violation of article 7 of the EU Charter of Fundamental Rights, among several others. This practice denies women their autonomy and reproductive rights. It amounts to violence against women, discrimination and torture, as affirmed notably by the CEDAW committee and the UN Committee against Torture.

The neglect of the right to family life for **women prisoners** and their children, particularly in ensuring accommodations for prenatal and postnatal care and respecting the best interests of the child, can constitute a violation of Article 7 of the EU Charter of Fundamental Rights.

Image-based sexual violence, such as the **online publication of intimate material**, increasingly violates women's and girls' fundamental right to privacy, with the irreversible and widespread dissemination of such material causing severe harm.

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Resources related to Article 7 of the EU Charter of Fundamental Rights - Respect for private and family life

Relevant EU, European and international legal instruments

Universal Declaration of Human Rights, 1948
Article 16

European Convention on Human Rights, 1950
Article 8

Convention on the Elimination of All Forms of Discrimination Against Women, 1979
Article 16
General Recommendation No. 21 on equality in marriage and family relations

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990

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

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, 2004

Convention on the Rights of Persons with Disabilities
Article 23



Find more relevant EU, European and national cases in our database on migrant women's fundamental rights violations:
<https://www.womensrightsdatabase.eu/>

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

Relevant European and international soft-law instruments

United Nations, 2015. Nelson Mandela Rules - Standard Minimum Rules for the Treatment of Prisoners: Rule 28, Rule 29, Rule 45.

Council of Europe, 2018. Recommendation CM/Rec(2018)5 of the Committee of Ministers to member States on the protection of the rights of migrant, refugee, and asylum-seeking women and girls.

Relevant case-law at EU and European levels

European Court of Justice

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

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

European Court of Human Rights

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

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

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

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

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

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