

The right to respect for private and family life

Abstract

The diploma thesis focuses on the notion of the right to respect for private and family life in the light of the Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms. Its aim is to compile a specification of the notion, while using the significant relevant judgments of the European Court of Human Rights or the former European Commission of Human Rights. Despite the fact, that the Convention is perceived as a „living instrument“ and the exhaustive definition of the rights and freedoms included is not fixed and not even possible to set, the thesis targets to assemble the mosaic of individual partial aspects, which may, under certain conditions, enjoy the protection under Article 8 of the Convention.

The protection of the privacy of an individual is a topic, which is extremely actual and it is probable that its importance is going to even more rapidly increase in the next years. Since the notion of the right to respect for private and family life is a very broad concept and the extent of the diploma thesis is not capable to deal it in a whole range, I have chosen its environmental aspects as a major interest of the thesis. In spite of the fact that the Convention includes no right to a decent environment, the Court has found in its practice an indisputable link between the protection of the environment and the rights and freedoms explicitly guaranteed by the Convention. The right to respect for private and family life dominates in case of the application in environmental issues.

The thesis aims to set the general interpretation of each of the four basic objects of Article 8, which means the private life, family life, home and correspondence. The more detailed research is done in cases, where some of the objects mentioned were a subject of an environmental nuisance. In order to reach a certain level of complexity of the thesis, the elaboration of the title notion is supported by the general context, especially the questions of the European Convention on Human Rights or the European Court of Human Rights.