

Family and private life according to ECHR jurisdiction

Mirela Fana

Abstract

In the Albanian jurisdiction, the treatment of existing concepts of "family", "family life" and "private life" is limited in terms of legal, doctrinal or even jurisprudential meaning. In the meantime, other jurisdictions have developed family and private life regulation to respond to modern dynamics and developments in relation to these law institutes in such a way as to include the regulation of paternity cases of children born out of wedlock as well as children born through the ever-increasing methods of assisted reproduction.

This paper focuses precisely on a comparative analysis of the family institute on supranational jurisprudence at the ECHR, analyzed under the perspective of Article 8 of the European Convention on Human Rights, on the protection of the right to private and family life.

Keywords: family, private life, family life.

Introduction

Respect for privacy and family life is a fundamental right protected by the European Convention on Human Rights in Article 8 thereof.¹ The legal provision is primarily intended to prevent any unilateral interference by public authorities in the private and family sphere of any individual. This instrument was adopted in 1950 within the framework of the Council of Europe and constitutes a legal obligation for 47 signatory countries, guaranteeing effective protection of human rights and in particular the guarantee and respect of family life for nearly 800 million people.²

The provision in Article 8 of the ECHR has a dual structure, common and similar to other ECtHR norms: the first paragraph sets out the purpose of a protected right - the right to respect for family and family life. private - while the second paragraph sets out the criteria by which Member States of the Council of Europe may legitimately interfere in the enjoyment of these rights.³

¹ Article 8, ECHR, "1. Everyone has the right to respect for his private and family life, his home and his correspondence. 2. There shall be no interference by the public authority in the exercise of this right except in accordance with law and what is necessary for a democratic society, in the interests of public security and the economic well-being of the country, to prevent crime or disorder. for the protection of health and morals, or for the protection of the rights and freedoms of others. "

² See Almeida S., *The Right to Respect for (Private and) Family Life in the European Court of Human Rights: The Protection of New Forms of Family*, Publication of the V Global Congress on Family and Family Rights Children's, Canada, August 2009.

³ Van Dijk P., *Theory and practice of the European Convention on Human Rights*, Kluwer Law International, 2006, p. 34 following pages. Nagy I & Ader J., *Ez a munka semmi köze a családi jog*, (translation, Underwood F.), 2004, p. 317-384.

The first step taken by the ECHR in Article 8 of the ECHR is an analysis of the description, and what the applicant understands as "family life", as long as this is the only case that enters into the legal provision of the Convention. Once the above situation has been determined, the ECtHR will determine whether there has been an interference with the enjoyment of the right to respect for family life or whether one of the Member States has failed to comply with the obligations of the Convention. Lastly, if the Court considers that there has been an interference or neglect of a Member State, it will examine whether the interference was justified on the basis of paragraph 2 of Article 8, and whether it was in support of the law, necessary in a company democratic.

The widespread expression of "respect for the family and private life" has raised many questions about the interpretation of the issues in the cases of ECtHR legal practice, which is also reflected in the continued application of Article 8. Considering that the ECtHR is "an instrument that can be interpreted in the logic of everyday conditions", which means that it is "designed to guarantee not rights that are theoretical or illusory but rights that are practical and effective".⁴ The ECtHR has clearly chosen a dynamic and evolutionary interpretation. No doubt, the ECtHR's legal practice shows that the terms used in this article take on different meanings as a result of the constant social, moral and cultural changes that modern European society undergoes.

For the sake of effective protection of privacy and family life, the ECtHR has dynamically interpreted existing concepts of "private life" and "family life". The Court has allowed a substantial extension of the purposes of Article 8. Thus, previously unseen phenomena did not enter into the protective shield built by the drafters of the Convention, such as adultery⁵, the rights of transgender people to marry. Those of the environment⁶, the rights of minorities to preserve traditional forms of life⁷, already find protection. The weight of adopting the evolutionary interpretation of these notions is already relatively large.

In addition, the dynamic interpretation of the term "respect" has led the Court to read Article 8, not only in its traditional way, the negative obligations (of any Council of Europe Member State not to interfere with the enjoyment of privacy and family life rights), but also positive ones such as substantive⁸ and procedural⁹ obligations (those through which States Parties to the Convention must act to ensure the enjoyment of the rights recognized). The use of dynamic interpretations has thus been intended to broaden the content of the rights to respect for privacy and the right to family life.¹⁰ Moreover, in close relationship with the emergence of positive obligations and ensuring the effectiveness of the protection of rights, the Court has imposed the

⁴ See case *Airey v. Ireland*, 32 Eur. Ct. H.R. (ser. A) § 24 (1979).

⁵ See case *Johnston and Others v. Ireland*, 112 Eur. Ct. H.R. (ser. A). (1986).

⁶ See case *López Ostra v. Spain*, 303-C Eur. Ct. H.R. (ser. A) (1994).

⁷ See case *Chapman v. the United Kingdom*, 2001-I Eur. Ct. H.R.

⁸ See case *Marckx v. Belgium*, 31 Eur. Ct. H.R. (ser. A) (1979); See case *Christine Goodwin v. the United Kingdom*, 2002-VI Eur. Ct. H.R.

⁹ See case *Keegan v. Ireland*, 290 Eur. Ct. H.R. (ser. A) (1994).

¹⁰ This principle was consolidated on the case of *Marckx v. Belgium*, 31 Eur. Ct. H.R. (ser. A) p.31 (1979).

obligation of ensuring the rights of the individual, also in the sphere of relations between individuals themselves.¹¹ As a consequence, the Strasbourg Court has recognized the "horizontal effect", simultaneously extending the application of Article 8.¹²

The foregoing considerations, even though precise, are sufficient to show us how the Court has been generous in guaranteeing legal protection against new forms of "family life", broadly interpreting paragraph 1 of Article 8 of the Convention. In contrast, with regard to paragraph 2, the Strasbourg Court has accepted a greater role of the signatory States: in the absence of a European consensus, the Court has been obliged to allow Council of Europe Member States to have a margin of appreciation broad in determining the need for intervention on a guaranteed right, with little withdrawal from the latter's protection.¹³ Thus, the dynamic interpretation of the first paragraph of Article 8 has been limited by the use of the "margin of appreciation" doctrine that is relevant to the States, contained in the second paragraph.

Finally, it should be added that Article 8 of the ECHR can be read in conjunction with other articles, such as: Article 12 on the right to marriage and family formation, Article 14 on the right to non-discrimination, Article 5 and the Protocol Seven on equality of spouses and Article 1, Protocol 1, on the right to property.

1- The concept of "family life".

As alluded to in the assessment of non-compliance with Article 8 above, the Court begins by investigating the relationship described by the applicants if the latter enters into what is considered "family life". Thus, the protection guaranteed by Article 8 requires the existence of a "family" as a condition.¹⁴

As long as the authors of the Convention have not defined the concept of "family" or the concept of "family life", it is for the Strasbourg Court to determine on a case-by-case basis what constitutes "family" in the Convention. Frédéric Sudre rightly argues that the indefinability of the concept of 'family' and 'privacy', together with the evolutionary interpretation of the Convention, has led to the expansion and dissolution of the concept of 'family life'.¹⁵

In this process of constituting the concept of "family life" under Article 8, the Convention begins by emphasizing what is a true and lawful marriage, which is undoubtedly the beginning of "family life".¹⁶ However, as emphasized in the

¹¹ See case X. and Y. v. The Netherlands, 91 Eur. Ct. H.R. (ser. A) p.23 (1985).

¹² Sudre F., *Droit Europeen et International des Droits de L'Homme*, Presses Universitaires de France 2005, p.402.

¹³ See for example the case, X, Y and Z v. the United Kingdom, 1997-II Eur. Ct. See also more on the "margin of appreciation" doctrine, Ovey C., *The margin of appreciation and article 8 of the Convention*, 19 HUM. RTS. L. J. 10 (1998).

¹⁴ See case Marckx v. Belgium, 31 Eur. Ct. H.R. (ser. A) § 31 (1979).

¹⁵ Sudre F., *Droit Europeen et International des Droits de L'Homme*, Presses Universitaires de France 2005, p.404; See also Nagy I & Ader J., *Ez a munka semmi köze a családi jog*, (translation, Underwood F.), 2004, p.317-384.

¹⁶ See case Abdulaziz, Cabales and Balkandali v. the United Kingdom, 94 Eur. Ct. H.R. (ser. A)

Convention, the concept of family may include "other de facto family ties where the parties live together outside the marriage".¹⁷ Moreover, for the purposes of Article 8, no distinction shall be made between the family established on marriage and the one outside marriage. Any other interpretation would be contrary to Article 14.¹⁸ In addition, the relationship between parents and children begins at the time of birth and with the fact itself, whether the child was born inside or outside the marriage.¹⁹ See, e.g., *Quintana Zapata v. Spain*, App. No. 34615/97, 92-A Eur. Comm'n H.R. Dec. & Rep. 139 (1998) (holding that although a non-marital relationship, which lasted for 65 years, constituted, without a doubt, "family life").

The Strasbourg court has made it clear that "the existence or not of 'family life' depends on whether there is a practice of cultivating personal relationships"²⁰. Various factors can be taken into account to show that the relationship claimed by the applicant has sufficient continuity to be considered "family life", as an example is taken life as a "couple"²¹, the duration of the relationship²², whether the spouses have shown by actions the nature of the relationship as having children together²³, if there were any elements of financial and / or psychological dependence involved in stronger emotional relationships than normal²⁴, etc.

According to the above, according to the Convention, "family life" may include regular heterosexual relationships, as well as biological relationships between parents and partners, if they are a single parent²⁵, two parents²⁶, stemming from adultery²⁷, as long as they are related strong and effective.

Relations between relatives and brothers and sisters²⁸, between grandparents and grandchildren²⁹, or even between uncles and aunts with nieces and nephews³⁰, may fall within the scope of Article 8.³¹

Concerning rebuilt families, the Convention has appreciated, as the example found in the case of *K. and T. v. Finland* of 1994, that family ties, within the meaning of Article 8, include the relationship between the child and the stepfather living with the

p.62 (1985).

¹⁷ See case *Keegan v. Ireland*, 290 Eur. Ct. H.R. (ser. A) p.44 (1994).

¹⁸ See case *Marckx v. Belgium*, 31 Eur. Ct. H.R. (ser. A) p.31 (1979).

¹⁹ See case *Keegan v. Ireland*, 290 Eur. Ct. H.R. (ser. A) p.44 (1994).

²⁰ See case *Brauer v. Germany*, Eur. Ct. H.R. p.30 (2009).

²¹ See case *Johnston and Others v. Ireland*, 112 Eur. Ct. H.R. (ser. A) p.56, 72 (1986); See also case *Keegan v. Ireland*, 290 Eur. Ct. H.R. (ser. A) p.45 (1994).

²² See, e.g., *Quintana Zapata v. Spain*, App. No. 34615/97, 92-A Eur. Comm'n H.R. Dec. & Rep. 139 (1998) (holding that although a non-marital relationship, which lasted for 65 years, constituted, without a doubt, "family life").

²³ See case *Kroon and Others v. the Netherlands*, 297-C Eur. Ct. H.R. (ser. A) (1994).

²⁴ See case *Emonet and Others v. Switzerland*, Eur. Ct. H.R. p. 37 (2007).

²⁵ See case *Marckx v. Belgium*, 31 Eur. Ct. H.R. (ser. A) p.31 (1979).

²⁶ See case *McMichael v. the United Kingdom*, 307-B Eur. Ct. H.R. (ser. A) (1995).

²⁷ See case *Kroon and Others v. the Netherlands*, 297-C Eur. Ct. H.R. (ser. A) (1994).

²⁸ See case *Moustaquim v. Belgium*, 193 Eur. Ct. H.R. (ser. A) (1991).

²⁹ See case *Vermeire v. Belgium*, 214-C Eur. Ct. H.R. (ser. A) (1991).

³⁰ See case *Boyle v. the United Kingdom*, 282-B Eur. Ct. H.R. (ser. A) (1994).

³¹ See case *Marckx v. Belgium*, 31 Eur. Ct. H.R. (ser. A) p.45 (1979).

mother. of this same biological child.³²

The concept of "family life", in the Strasbourg Court's view, also includes the relationship between foster parents and the adopted child.³³ With regard to the adoption relationship, the Court has shown that this relationship falls into the category of "family life" within the meaning of Article 8³⁴, although it has not been able to make any decision on it.³⁵

Polygamous relationships can be a prerequisite for the creation of "family life", thus extending the protection guaranteed by Article 8.³⁶ Despite this fact, there seems to be no obligation to recognize polygamous relationships as formal marriage.³⁷ The convention also combines "close personal relationships" with the "seemingly family" factor between people without blood, marriage and adoption.³⁸ For example in the case of X, Y and Z v. The United Kingdom of 1992, the Convention provides that X's de facto family ties to Y, a transgender who had undergone sex change surgery, a woman with whom X had living for 18 years with male maladaptation, and Z, the child of Y, born as a result of artificial insemination by a donor, sufficed to be categorized as a family relationship within the meaning of Article 8 of the Convention. In fact, the Court held that, in this case, the social subsistence of the traditional family was clear as long as both X and Y had applied together for artificial insemination for the purpose of childbirth. X had been involved throughout the process and had played the role of "father" in all of his characteristics since the birth of the child.³⁹

In conclusion, referring to the consolidated practice of the Strasbourg Court, in the case of children born out of wedlock, and in cases of close family ties, the authenticity of this relationship is not only taken for granted but, if the examination is needed, otherwise, sufficient evidence shall be required for that purpose from a party who is procedurally opposed to the existence of this family relationship.⁴⁰ Although a simple biological link may not be sufficient to put into effect all the guarantees of Article 8, the absence of a biological link does not prejudice the existence of a family life as long as the criteria for "strong and sufficient interpersonal links are verified". "Or that of a family's present".

³² See case K. and T. v. Finland, Eur. Ct. H.R. p.149, 150 (2001).

³³ See case Pini, Bertani and Others v. Romania, 2004-V Eur. Ct. H.R. p.146, 148.

³⁴ See case Rieme v. Sweden, 226-B Eur. Ct. H.R. (ser. A) p. 70 (1992).

³⁵ See case Görgülü v. Germany, Eur. Ct. H.R. p. 44 (2004).

³⁶ See case E.A. and A.A v. the Netherlands, App. No. 14501/89, 72 Eur. Comm'n H.R. Dec. & Rep 118 (1992).

³⁷ See case Alam and Khan v. the United Kingdom, App. No. 2991/66, 1968 Y.B. Eur. Conv. H.R. 788 (Eur.Comm'n H.R.).

³⁸ Sudre F., *Droit Europeen et International des Droits de L'Homme*, Presses Universitaires de France 2005, p.21.

³⁹ See case X, Y and Z v. the United Kingdom, 1997-II Eur. Ct. H.R., p.35-37.

⁴⁰ Van Dijk P., *Theory and practice of the European Convention on Human Rights*, Kluwer Law International, 2006, p.694.

2- What does not constitute a "family" within the meaning of Article 8 of the ECHR?

The protection of Article 8 of the ECHR does not include the simple desire of individuals to establish a family-like family created through marriage, as noted by the European Court in the case of *Abdulaziz, Cabales and Balkandali v. The United Kingdom*. 1985⁴¹, not even with the mere possibility of adopting a child as the same Court points out in the 2002 *Fretté v. France* case⁴². Likewise, the relationship between two related persons due to emotional affection with one another is not included in the concept of "family life" as provided by the Convention.⁴³ On this, the European Commission of Human Rights has taken a specific stance, regarding male gametes donors, who make this donation with the sole purpose of giving women the opportunity to become pregnant by artificial insemination, a fact which, in the assessment of the Commission cited above, does not grant the donor the right to family life within the meaning of Article 8 of the ECHR, as in the case of a traditional family with children.⁴⁴

Concerning the link between same-sex partners, The Council of Europe Member States have differing views, with a general tendency to regard this form, although not part of "family life", in the context of evolution modern versus homosexuality, a stable homosexual relationship between two women and two men will again be protected by the concept of "privacy" within the meaning of Article 8 of the ECHR.⁴⁵

The ambiguity and co-existence of the concept of "privacy" and "family" in Article 8 has led the Court to blur the boundaries between them, increasingly addressing a unique concept covered by the same Article of the ECHR, namely jointly addressing the concept of "respect for privacy and family life", including the right to develop interpersonal relationships. Undoubtedly, within the concept and purpose of "respect for family and private life", the Court has guaranteed protection under Article 8 of rights such as environmental security⁴⁶, the right of minorities to preserve traditional lifestyles⁴⁷, the right to biography⁴⁸, and the right to a personal identity⁴⁹, or even the return of a child's body to mourning.⁵⁰

⁴¹ See case *Abdulaziz, Cabales and Balkandali v. the United Kingdom*, 94 Eur. Ct. H.R. (ser. A) p.62 (1985).

⁴² See case *Fretté v. France*, 2002-I Eur. Ct. H.R p.32.

⁴³ See case *Wakefield v. the United Kingdom*, App. No. 11373/85, 66 Eur. Comm'n H.R. Dec. & Rep 225 (1990).

⁴⁴ See case *J.R.M. v. the Netherlands*, App. No. 16944/90, 74 Eur. Comm'n H.R. Dec. & Rep 120 (1993).

⁴⁵ See case *Rösli v. Germany*, App. No. 28318/95, 85-A Eur. Comm'n H.R. Dec. & Rep 149, 151 (1996).

⁴⁶ See case *López Ostra v. Spain*, 303-C Eur. Ct. H.R. (ser. A) p.51 (1994).

⁴⁷ See case *Chapman v. the United Kingdom*, 2001-I Eur. Ct. H.R. p.73.

⁴⁸ See case *Stjerna v. Finland*, 299-B Eur. Ct. H.R. (ser. A) § 37 (1994); Case *Guilot v. France*, 1996-V Eur. Ct. H.R. p.21; Case *Ünal Tekeli v. Turkey*, 2004-X Eur. Ct. H.R. p.42.

⁴⁹ See case *Gaskin v. the United Kingdom*, 160 Eur. Ct. H.R. (ser. A) p. 41, 49 (1989).

⁵⁰ See case *Pannullo and Forte v. France*, 2001-X Eur. Ct. H.R. p.31.

This broad interpretation of respect for privacy and family life has undoubtedly expanded the umbrella of this article and beyond. However, this approach has led to a progressive dissolution of the specific boundaries of the concept of "family life".⁵¹

3- De facto families and respect for family life.

As noted above, the European Court of Human Rights has repeatedly emphasized that "family life" includes not only de jure family relationships based on marriage, but also those between individuals with sufficiently close or interpersonal relationships, where the parties live together outside the marriage.⁵² The Court further notes that Article 8 of the ECHR, analyzed in conjunction with Article 14, does not differentiate between formalized and natural families.⁵³

With regard to children born out of wedlock, despite the "support and encouragement of the traditional family"⁵⁴, the Strasbourg Court attaches importance to a substantive analysis of the factual links between partners who have given birth. In this area there is a consensus among the Signatories in favor of eliminating discrimination against "illegitimate"⁵⁵ children, accepting the principle that no distinction can be made between adult children within and outside the marital relationship. The Court has undoubtedly stated that "there must be good reasoning before a distinction is made in the treatment of extramarital births which are considered compatible with the Convention".⁵⁶ Furthermore, the Court has supported the idea that Member States have a positive obligation to ensure that children born out of wedlock enjoy the same legal status as those born out of wedlock.⁵⁷

In the case of *Marckx v. Belgium* in 1979, the applicants - an unmarried woman and her child born out of wedlock - complained of denial of the right to an "illegitimate" child to establish a legal relationship with parents of the mother and her right to equal treatment with legitimate children, the Court held that: "When a State establishes in its legal system a regime applicable to certain family relationships, such as relations between a mother and a child, unmarried and having a child, the same state is under an obligation to act actively so that those concerned (ie the above entities) can live a normal family life".⁵⁸

The Strasbourg court has stated that states have options for different mechanisms to protect the concept of family life against these subjects, but in their actions they should

⁵¹ Further more see Danelius H., Reflections on some important Judgements of the European Court of Human Rights regarding family life, in: Lodrup P. & Modvar E. eds., *Family Life and Human Rights*, Gylden, 2004, p.153.

⁵² Ibid.

⁵³ See case *Marckx v. Belgium*, 31 Eur. Ct. H.R. (ser. A) § 31 (1979); See also *Mazurek v. France*, 2000-II Eur. Ct. H.R. p.30.

⁵⁴ Ibid.

⁵⁵ See case *Inze v. Austria*, 126 Eur. Ct. H.R. (ser. A) p. 41 (1987).

⁵⁶ See case *Pla and Puncernau v. Andorra*, 2004-VIII Eur. Ct. H.R. 61.

⁵⁷ See case *Johnston and Others v. Ireland*, 112 Eur. Ct. H.R. (ser. A) p.74 (1986).

⁵⁸ See case *Marckx v. Belgium*, 31 Eur. Ct. H.R. (ser. A) (1979), para. 31.

"avoid any discrimination based on the birth of a child inside or out of wedlock".⁵⁹ The existence of this positive obligation has been reiterated by the ECtHR in the case of *Johnston et al v. Ireland* in 1986, which concerned the recognition of a family relationship between a child and parents who could not marry because of a lack of divorce law in Ireland of that time. In this case, the Court held that, while Article 8 of the ECHR did not oblige States to enforce the right to divorce, it required the State to place the child born out of wedlock in a "legal and social position equal to that of a child. legitimate child".⁶⁰

In addition, the Strasbourg Court has applied the principle of non-discrimination in matters relating to the property rights of children born out of wedlock. According to the ECHR, the concept of 'family life' does not only include 'socio-cultural relations' but also 'material nature of interest'.⁶¹ Thus, the application of the principle of non-discrimination with regard to the property rights of children born out of wedlock requires that there be no impediment to the latter's capacity to inherit or obtain in lawful forms of property from their relatives. as evidenced in the case of *Marckx v. Belgium* in 1979,⁶² or in the case of *Vermeire v. Belgium* in 1991.⁶³

Moreover, the principle of non-discrimination also calls for the abolition of any restrictions on the inheritance rights of children born of extramarital affairs, as in the case of *Mazurek v. France* of 2000⁶⁴ where the criterion applied was that of the choice as the principal heir of the child. "Legitimate" over that "illegitimate", discrimination that must be eliminated.⁶⁵

Conclusions

Significantly, the paper has focused on the ECtHR jurisprudence on issues of the concept of family, private life under the perspective of Article 8 of the European Convention on Human Rights, which guarantees the right to private and family life. As far as Albanian jurisdiction is concerned, the current approach to the concept of family remains limited, not only due to the lack of substantial and detailed treatment in the provisions of family law itself, but also because of the lack of the development of case law and the doctrinal debate on new forms of family.

Although in Albania the debate over the possibility of creating new forms of family remains only in its infancy, under the optics of protection afforded by Article 8 of the ECHR and in the context of the developed jurisprudence of the ECHR in this regard. I consider that Albanian family law should also create the necessary space for accommodation and legal protection of new, non-traditional forms of family.

⁵⁹ *Ibid*, para 34.

⁶⁰ See case *Johnston and Others v. Ireland*, 112 Eur. Ct. H.R. (ser. A) p.74 (1986).

⁶¹ See case *Marckx v. Belgium*, 31 Eur. Ct. H.R. (ser. A) p.52 (1979); See also *Merger and Cros v. France*, Eur. Ct. H.R. p.46 (2004).

⁶² *Ibid*.

⁶³ See case *Vermeire v. Belgium*, 214-C Eur. Ct. H.R. (ser. A) p.28 (1991).

⁶⁴ See case *Mazurek v. France*, 2000-II Eur. Ct. H.R. p. 52, 55.

⁶⁵ See also the same non-discriminatory opinion held in the case of *Inze v. Austria*, 126 Eur. Ct. H.R. (ser. A) p.45 (1987).

References

- Sudre F. (2005). *Droit Europeen et International des Droits de L`Homme*, Presses Universitaires de France, p.21.
- Van Dijk P., (2006). *Theory and practice of the European Convention on Human Rights*, Kluwer Law International, p. 34.
- Airey v. Ireland, 32 Eur. Ct. H.R. (ser. A) § 24 (1979).
- Johnston and Others v. Ireland, 112 Eur. Ct. H.R. (ser. A) p.74 (1986).
- Marckx v. Belgium, 31 Eur. Ct. H.R. (ser. A) p.52 (1979); See also *Merger and Cros v. France*, Eur. Ct. H.R. p.46 (2004).
- Vermeire v. Belgium, 214-C Eur. Ct. H.R. (ser. A) p.28 (1991).
- Mazurek v. France, 2000-II Eur. Ct. H.R. p. 52, 55.
- Inze v. Austria, 126 Eur. Ct. H.R. (ser. A) p.45 (1987).
- Marckx v. Belgium, 31 Eur. Ct. H.R. (ser. A) § 31 (1979); See also *Mazurek v. France*, 2000-II Eur. Ct. H.R. p.30.
- Pla and Puncernau v. Andorra, 2004-VIII Eur. Ct. H.R. 61.
- Johnston and Others v. Ireland, 112 Eur. Ct. H.R. (ser. A) p.74 (1986).
- Marckx v. Belgium, 31 Eur. Ct. H.R. (ser. A) (1979), para. 31. *Abdulaziz, Cabales and Balkandali v. the United Kingdom*, 94 Eur. Ct. H.R. (ser. A) p.62 (1985).
- Fretté v. France, 2002-I Eur. Ct. H.R p.32.
- Wakefield v. the United Kingdom, App. No. 11373/85, 66 Eur. Comm'n H.R. Dec. & Rep 225 (1990).
- J.R.M. v. the Netherlands, App. No. 16944/90, 74 Eur. Comm'n H.R. Dec. & Rep 120 (1993).
- Moustaquim v. Belgium, 193 Eur. Ct. H.R. (ser. A) (1991).
- Vermeire v. Belgium, 214-C Eur. Ct. H.R. (ser. A) (1991).
- Boyle v. the United Kingdom, 282-B Eur. Ct. H.R. (ser. A) (1994).
- Marckx v. Belgium, 31 Eur. Ct. H.R. (ser. A) p.45 (1979).
- K. and T. v. Finland, Eur. Ct. H.R. p.149, 150 (2001).
- Pini, Bertani and Others v. Romania, 2004-V Eur. Ct. H.R. p.146, 148.
- Rieme v. Sweden, 226-B Eur. Ct. H.R. (ser. A) p. 70 (1992).
- Görgülü v. Germany, Eur. Ct. H.R. p. 44 (2004).
- E.A. and A.A v. the Netherlands, App. No. 14501/89, 72 Eur. Comm'n H.R. Dec. & Rep 118 (1992).
- Alam and Khan v. the United Kingdom, App. No. 2991/66, 1968 Y.B. Eur. Conv. H.R. 788 (Eur. Comm'n H.R.).
- Charta of the European Court of Human Rights.