

**European Master's Degree in Human Rights and Democratisation**

**Master's Thesis**

**The protection of social rights under Article 8 of the  
European Convention on Human Rights:  
The right to respect for private and family life**

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## ABSTRACT

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The protection of human rights is divided into two parallel systems within the framework of the Council of Europe. The main shortcoming of the European Convention on Human Rights is that it provides almost exclusively for civil and political rights. Therefore, the protection of social rights comes up against the substantive limits of the text. Social rights are guaranteed under the European Social Charter, which should be complementary to the Convention in the social field. Nonetheless, applicants lodge individual complaints before the Court and although the vast majority of the applications directly concerned with social rights have been declared inadmissible, in other cases the Court has ruled on social matters.

The right to respect for private and family life as enshrined in Article 8 of the ECHR would be the adequate framework to encompass social rights and, in the light of the case law, there are already some social rights that can be considered as enforceable under that provision. This raises questions about the limits of the Convention interpretation by European judges and demonstrates that a deep debate on the links between two control organs, the European Committee of Social Rights and the European Court on Human Rights, is needed towards an effective enjoyment and protection of social rights within the Council of Europe.

## LIST OF ABBREVIATIONS

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UDHR	Universal Declaration of Human Rights
ECHR or the Convention	European Convention on Human Rights and Fundamental Freedoms (The Convention for the Protection of Human Rights and Fundamental Freedoms).
ECtHR or the Court	European Court of Human Rights
ESC or the Charter	European Social Charter (1961)
rESC	Revised European Social Charter (1996)
CCP	Collective Complaint Procedure under the European Social Charter
ECSR or the Committee	European Committee of Social Rights (former Committee of Independent Experts, renamed in 1998)
CoE	The Council of Europe
Ibidem	To refer the footnote cited just before
Para.	Paragraph
Article 8 (2) ECHR	Article 8 paragraph 2 of the ECHR
Supra footnote 23	Refers to the footnote number 23 mentioned above
<i>Airey</i> case	Referring to a relevant case already mentioned
PACE	Parliamentary Assembly of the Council of Europe document
e.g.	<i>Exempli gratia</i> , for example

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