Part II

Privacy and Personal Autonomy at the European Court of Human Rights
Chapter 4

From Privacy to Personal Autonomy

There is more one can do to help another person have an autonomous life than stand off and refrain from coercing or manipulating him... further categories of autonomy-based duties towards another person [include]... help in creating the inner capacities required for the conduct of an autonomous life. Some of these concern cognitive capacities, such as the power to absorb, remember and use information, reasoning abilities and the like. Others concern one's emotional and imaginative make-up. Still others concern health, and physical abilities and skills. Finally, there are character traits essential or helpful for a life of autonomy. They include stability, loyalty and the ability to form personal attachments and to maintain intimate relationships.174

Introduction

Other Council of Europe organs have reiterated the importance of personal autonomy as a human rights principle. For example, in a Recommendation of the Committee of Ministers on a coherent policy for people with disabilities, provision is sought to be made for the disabled, inter alia, “[i]n order to avoid or at least alleviate difficult situations...and to develop personal autonomy...”175 As the ECHR does not contain an explicit right to such personal autonomy, the Court has developed its jurisprudence by interpreting a right to private life to include it. This chapter analyses definitions of privacy philosophically and at the Council of Europe before examining the concept of personal autonomy and its critiques. The legal right upon which the right to autonomy, identity and integrity of the person rests is the right to respect one's private life. Privacy is often described as a fundamental human right, a basic right of