



Press disclosure of a celebrity's address breached her right to respect for her private and family life

In today's Chamber judgment in the case of [Alkaya v. Turkey](#) (application no. 42811/06), which is not final¹, the European Court of Human Rights held, unanimously, that there had been:

A violation of Article 8 (right to respect for private and family life) of the European Convention on Human Rights.

The case concerned the disclosure by the press of the home address of a Turkish actress whose apartment had been burgled. Whereas the domestic courts considered that the applicant, as a well-known personality, was a public figure, the Court held that the choice of one's place of residence was an essentially private matter and that the free exercise of that choice formed an integral part of the sphere of personal autonomy protected by Article 8. A person's home address constituted personal data or information which fell within the scope of private life and as such was eligible for the protection granted to the latter.

Principal facts

The applicant, Ms Yasemin Alkaya, is a Turkish national who was born in 1964 and lives in Istanbul (Turkey). She is well known in Turkey as a cinema and theatre actress. On the morning of 12 October 2002 her home was broken into while she was there. She alerted the police and lodged a complaint.

On 15 October 2002 the daily newspaper *Akşam* published an article on the break-in, accompanied by a photograph of the applicant and giving her exact address.

On 3 December 2002 Ms Alkaya brought an action for damages against the newspaper in the Zeytinburnu District Court ("the District Court"). On 29 March 2005 the District Court dismissed the action, holding that Ms Alkaya, because of her celebrity status, was a public figure and that the disclosure of her address could not be considered capable of infringing her rights. Ms Alkaya lodged an appeal on points of law. Her lawyer submitted that, since the publication of the article in question, the applicant had been regularly disturbed in her home and that she had become fearful and afraid of staying at home on her own. The lawyer further argued that her client's personality rights had been infringed. On 12 June 2006 the Court of Cassation upheld the first-instance judgment.

¹ Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

Complaints, procedure and composition of the Court

Relying on Article 8 of the Convention (right to respect for private and family life), the applicant alleged interference with her right to respect for her private life and her home. She considered the interference to be discriminatory since it had been based on her celebrity status. She complained of the publication of her address in the press and argued that the State had failed in its obligation to protect her.

The application was lodged with the European Court of Human Rights on 13 October 2006.

Judgment was given by a Chamber of seven judges, composed as follows:

Ineta **Ziemele** (Latvia), *President*,
Danutė **Jočienė** (Lithuania),
Isabelle **Berro-Lefèvre** (Monaco),
András **Sajó** (Hungary),
Işıl **Karakaş** (Turkey),
Paulo **Pinto de Albuquerque** (Portugal),
Helen **Keller** (Switzerland),

and also Stanley **Naismith**, *Section Registrar*.

Decision of the Court

Article 8

The Court pointed out that the concept of private life was a broad term which encompassed the right to personal autonomy and personal development, the person's physical and moral integrity and the right to live privately. The guarantee afforded by Article 8 was intended to ensure the development, without outside interference, of the personality of each individual in his relations with other human beings.

The Court further reiterated that Article 8 protected the individual's right to respect for his or her home, meaning not just the right to the actual physical area, but also to the quiet enjoyment of that area. Accordingly, breaches of the right to respect of the home included those that were not concrete or physical. The choice of one's place of residence was an essentially private matter and the free exercise of that choice formed an integral part of the sphere of personal autonomy protected by Article 8. A person's home address constituted personal data or information which fell within the scope of private life and as such was eligible for the protection granted to the latter.

The Court observed that, whereas private individuals unknown to the public could claim particular protection of their right to private life, the same did not apply to public figures. Nevertheless, in certain circumstances, even where a person was known to the general public, he or she could rely on a "legitimate expectation" of protection of and respect for his or her private life.

In the present case the Court noted that it was not a State act that was at issue, but the level of protection afforded by the domestic courts to Ms Alkaya's private life, a level she considered to be insufficient. The Court had to ascertain whether the State had struck a fair balance between Ms Alkaya's right to protection of her private life under Article 8 of the Convention and the right of the opposing party to freedom of expression under Article 10 of the Convention. Ms Alkaya had in no way sought to challenge the publication of an article reporting on the burglary in her home, but rather had complained of the disclosure of her home address which, in her view, was of no public interest.

In that regard the Court reiterated that, while the public had a right to be informed, articles aimed solely at satisfying the curiosity of a particular readership regarding the details of a person's private life, however well known that person might be, could not be deemed to contribute to any debate of general interest to society. In the present case the Court could not discern any evidence shedding light on the supposed public-interest grounds underlying the newspaper's decision to disclose Ms Alkaya's home address.

The Court observed that the District Court had merely referred to Ms Alkaya's celebrity status in finding that the disclosure of her address could not be considered capable of infringing her personality rights. Likewise, the national courts had not taken into consideration the repercussions on the applicant's life of the disclosure of her private address in the press. In the Court's view, this failure by the domestic courts to weigh the interests at stake could not be considered compatible with the State's positive obligations under Article 8 of the Convention.

Just satisfaction (Article 41)

The Court held that Turkey was to pay the applicant 7,500 euros (EUR) in respect of non-pecuniary damage.

The judgment is available only in French.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.