

The workshop seeks to explore the impact of the European Convention on Human Rights (ECHR) on private law in a comparative perspective, with a special focus on the German and the Italian legal system. As a preliminary question, we will analyse how the Convention, being an international treaty, affects domestic law. From a more practical point of view, we will assess to what extent domestic courts, including constitutional courts, really take into account the ECHR and the jurisprudence of the European Court of Human Rights, without neglecting the analysis of the so called 'judicial dialogue' with domestic courts and the Court of Justice of the European Union to develop uniform standards for the protection of human and fundamental rights in private law relationships. Finally, the workshop will explore to what extent the Convention contributes to the harmonisation of private law in Europe: in this context, the key question is whether a human rights court is the right institution to harmonise private law or whether it should be for the supranational and national legislature to achieve this goal.

On the cover: *A study of arms and hands*,
Leonardo da Vinci, after 1474.



Event part of:



COORDINATORS:

Matteo Fornasier

Maria Gabriella Stanzione

The European Convention on Human Rights and its impact on private law: Italo-German perspectives

Villa Vigoni, 30 August - 2 September 2021



Monday, 30 August 2021 - 7:00 p.m.

Verre de l'amitié

Tuesday, 31 August 2021 - 9:30 a.m.

Opening Remarks

Matteo FORNASIER, Maria Gabriella STANZIONE

SESSION I

Introduction

Chair: **Maria Gabriella STANZIONE**

Andreas ENGEL, *The ECHR in the German legal system – An introduction*

Laura VAGNI, *The role of the Italian courts in the effective implementation of the ECHR*

Coffee break

SESSION II

Family Law

Chair: **Rute TEIXEIRA PEDRO**

Anatol DUTTA, *The status of biological fathers. An example for the impact of the ECHR on national family law*

Konrad DUDEN, *Parental autonomy and child protection measures*

Maria Gabriella STANZIONE, *Shaping new families: same-sex couples' rights in the dialogue among courts*

Tuesday, 31 August 2021 - 3:00 p.m.

SESSION III

Media Law and Data Protection Law

Chair: **Oreste POLLICINO**

Katharina DE LA DURANTAYE, *The right to privacy (Art. 8 ECHR) – The German experience*

Christian HEINZE, *Data protection in private relations and the ECHR*

Giovanni Maria RICCIO, *Copyright and fundamental rights in the case law of the European Court of Human Rights*

Coffee break

SESSION IV

Economic Freedoms

Chair: **Christian HEINZE**

Jan LÜTTRINGHAUS, *Economic Freedoms in the case law of the European Court of Human Rights*

Giacomo ROJAS ELGUETA, *Balancing investment protection and regulatory freedom: the case law of the European Court of Human Rights in comparative perspective*

Wednesday, 1 September 2021 - 9:00 a.m.

Session V

Labour Law

Chair: **Matteo FORNASIER**

Edoardo ALES, *Freedom of association for armed forces: a fruitful dialogue between the European Court of Human Rights and the Italian Constitutional Court*

Gabriele BUCHHOLTZ, *The influence of the ECHR on German labour law, with a special focus on collective labour law*

Coffee break

Keynote Speech: **Andreas PAULUS**, *Private rights as human rights in Karlsruhe and Strasbourg*

Wednesday, 1 September 2021 - 3:00 p.m.

SESSION VI

Procedural Law and Private International Law

Chair: **Anatol DUTTA**

Francesca BENATTI, *Some thoughts on the difficult relationship between ECHR and arbitration*

Davide GIANTI, *Theorizing "Punitive Damages" through the relationship between the ECHR and private International Law*

Denise WIEDEMANN, *Art. 6 ECHR and the abolition of exequatur: from the right to enforce a judgement abroad to unrestricted cross-border enforcement*

Coffee break

SESSION VII

Impact of the ECHR on European Private Law

Chair: **Oreste POLLICINO**

Matteo FORNASIER, *Harmonisation through the back door? The impact of the ECHR on private law in Europe*

Filippo VIGLIONE, *Does context still matter? The role of comparative law and the growing impact of human rights on private law*

Conclusion: **Oreste POLLICINO**