

Programme Edition 2006

CoCoA 2006 Session: July, the 23th – August, the 6th 2006

First week:

Constitutional adjudication and interpretation of the Constitution

Prof. Constance Grewe, Professor of Constitutional Law, Université Robert Schuman, Strasbourg and Judge of the Constitutional Court of Bosnia-Herzegovina

Constitutional adjudication, mainly due to the very nature of the rules of constitutional law and of the role performed by the Courts, has elaborated some special techniques of interpretation that, without prejudice to the judicial tradition, allow the achievement of a wider range of normative effects on the legal system as well as on the judiciary. The aim of the seminar is to provide a survey of and to single out such most relevant and common techniques of constitutional interpretation and compare the ways through which they operate within each jurisdiction.

The right to marry and to found a family

Prof. Roberto Toniatti, Professor of Comparative Constitutional Law, Faculty of Law, University of Trento

The constitutional foundations of family law, including the rights of children born out of wedlock, are strictly related to social and cultural worldviews that have undergone over time through significant developments, affecting both legislation and constitutional interpretation. The aim of the seminar is to provide a comparative scenario of such developments, given due consideration also to the case law of the European Court of Human Rights, including factors arguing for or against a diversification of the right to marry from the right to found a family.

Second week:

Gender constitutional issues and equality

Prof. Rainer Arnold, Professor of Law, Public Law and European Law at the Faculty of law of the University of Regensburg

The application of the constitutional principle of equality has been and continues to be particularly important in dealing with social and cultural problems of discrimination based on gender. It covers a wide range of issues including direct discrimination (formal equality) and, even more, indirect discrimination and affecting areas such as labour law, family law, political representation; it furthers the scope of constitutional equal protection as far as admitting, under some circumstances, the instruments of affirmative action. The aim of the seminar is to compare constitutional adjudication related to gender issues and equality often based on a value loaded approach.

The essence of constitutional rights

Dr. Luigi Malferrari, Ph. D., Law Clerk, Court of First Instance of the European Communities, Luxembourg

Following Art. 19(2) of the German GG, both constitutional provisions and constitutional adjudication provide for the protection of "the essence of constitutional rights" (das Wesensgehalt von Grundrechten) from legislative restrictions: the aim of the seminar is to examine both comparatively and theoretically how such "essence" of a basic right is to be identified and construed against the prevailing consistency of those restrictions with constitutional requirements.