

FAMILY FORMS AND  
PARENTHOOD

Theory and Practice  
of Article 8 ECHR in Europe

*Edited by*  
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## Family Forms and Parenthood

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## ACKNOWLEDGEMENTS

The original idea for this book arose in 2012. We observed the ever-growing jurisprudence of the European Court of Human Rights based on Article 8. Family matters, new reproductive technologies, expulsion of family members and international child abduction – to mention only a few issues – were being dealt with by the Court under Article 8. This provision evolved into a default human rights guarantee, a concept which is succinctly summed up in German as an *Auffanggrundrecht*. We both wondered – Andrea from a private law and Helen from a public law perspective – whether national actors could cope with the Court’s jurisprudence.

We assembled a group of academics from a number of Council of Europe Member States, all dealing primarily with private law matters, and asked them to respond to a detailed questionnaire concerning the Court’s case law and its impact on the national level. We held a workshop in Zurich in November 2013 for all of the country rapporteurs, sponsored by the Swiss Society for the European Convention on Human Rights. This workshop gave us the opportunity to exchange initial ideas and to focus the topic of the book on two main subjects – parenthood and family forms. The workshop marked the beginning of an intense and fruitful collaboration that resulted in this book. Our thanks go both to the Swiss Society for the European Convention on Human Rights for sponsoring this event and to all of the country rapporteurs for their contributions. It was a privilege to work with a group of academics from different countries with such expertise in the field.

This project would not have been possible without the help of our assistants. First and foremost, Dr Orsolya Fercsik-Schnyder was in charge of organising the workshop and editing the draft country reports. Orsolya’s close engagement through all the stages of the process is greatly appreciated. She was incredibly patient with all of the writers, time and again explaining the structure and style of the reports, the mandatory use of the citation guidelines and reminding everyone of impending deadlines. Furthermore, Orsolya and MLaw Corina Heri, LL.M., provided us with research assistance that saw them delve deep into the Court’s case law. Their research was, both in terms of quantity and quality, a valuable basis for our work. We would like to express our heartfelt thanks to Corina and Orsolya.

We were privileged in having Intersentia interested in the volume as a well-known publisher in the field of family law. We would like to thank Intersentia for

the fruitful cooperation, for valuable suggestions and for enabling us to publish this book both in a most professional and timely manner.

Family forms are proliferating; family life is changing. Laws in many countries have also changed in order to mirror new realities. But in a comparative perspective, the pace and direction of these changes vary considerably. The European Convention on Human Rights provides a framework for examining questions of family forms and parenthood. The book's aim is to investigate the content of this framework and discuss the ways in which different countries receive the jurisprudence of the European Court on Human Rights. We hope that the book will inspire further research concerning how the Court's jurisprudence is shaping national legal orders. Apart from parenthood and family forms, there are many other areas left that require further investigation.

Zurich, September 2015

Andrea Büchler and Helen Keller

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