



Giorgio Repetto (ed.)

# The Constitutional Relevance of the ECHR in Domestic and European Law

*An Italian Perspective*



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in Domestic and European Law

In recent years the European Convention on Human Rights (ECHR) gained unexpected relevance in the European constitutional culture. On the one hand its increasing importance is closely linked to institutional reforms that strengthened the European Court of Human Rights' reputation *vis-à-vis* the Member States. On the other hand, and even more importantly, the ECHR's significance arises from a changing perception of its constitutional potential.

Starting with the assumption that the ECHR is transforming the European constitutional landscape, this book aims to show that today the European Convention raises unprecedented problems that involve first of all its own theoretical status as constitutional instrument that ensures the protection of human rights in Europe. Changing paradigms concerning its incorporation in domestic law as well as the growing conflicts about the protection of some rights and liberties that are deeply rooted in national legal contexts (such as teaching of religion, bio law and rights of political minorities) are jointly examined in order to offer a unified methodology for the study of European constitutional law centered upon human rights.

For a detailed analysis of these issues, *The Constitutional Relevance of the ECHR in Domestic and European Law* examines the different facets of the ECHR's constitutional relevance by separating the ECHR's role as a 'factor of Europeanisation' for national constitutional systems (Part I) from its role as a veritable European transnational constitution in the field of human rights (Part II).

Written for legal scholars focusing on the emerging trends of European and transnational constitutional law this book investigates the basic tenets of the role of the ECHR as a cornerstone of European constitutionalism.

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*Edited by*

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