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IMPLEMENTATION OF THE ECHR IN NATIONAL LEGAL SYSTEMS: A COMPARATIVE ANALYSIS

This work aims to focus on the ECHR Status through a comparative perspective. In particular, it has examined the domestic “position” referred to the European Convention on Human Rights by national systems into the hierarchy of laws. Firstly, by distinguishing “monist” and “dualist” legal systems it is possible to understand in which manner international law and domestic law are considered parts of different legal levels. Subsequently, when the constitutional law does not determine the national status of ECHR, it is the interpretation given by the national courts, in particular by constitutional courts, which supplies to this lack. As a result, the proposing statement aims to point out the different national status recognized to the ECHR, which involves not only a constitutional analysis but also a comparative dialogue.