



Ordine internazionale e diritti umani

International Legal Order and Human Rights
Ordenamiento Jurídico Internacional y Derechos Humanos
Ordre Juridique International et Droits de l'Homme
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EDITORIALE
SCIENTIFICA

SOME REMARKS ON THE “SUPRA-CONSTITUTIONALITY” OF *JUS COGENS* AND HUMAN RIGHTS TREATIES IN DOMESTIC LEGAL SYSTEMS, WITH SPECIAL REFERENCE TO EUROPEAN AND LATIN AMERICAN LEGAL SYSTEMS

The aim of the present contribution is to investigate whether and to what extent rules of international law should be or have been recognised as having a “supra-constitutional” status – i.e. superior to that of any domestic rule, including the Constitution itself – in the hierarchy of domestic sources, with special reference to European and Latin American countries. It will be divided into three parts. The first provides an overview of the definition, identification, and scope of *jus cogens* norms in the light of the recent work of the International Law Commission and delves into a somewhat overlooked issue, that is the status of *jus cogens* within domestic legal systems. The second part focuses on the other category of international norms that have sometimes been endowed with a supra-constitutional character, namely human rights treaties. This part examines those domestic legal systems that recognise a supra-constitutional (or, in any case, privileged) status for human rights treaties, paying special attention to the problems and legal consequences, in terms of the hierarchy of domestic sources, of States’ participation in the American Convention on Human Rights and the European Convention on Human Rights. In the light of the foregoing analysis, the third part offers some concluding remarks on the supra-constitutionality of *jus cogens* and human rights treaties in domestic legal systems.