Inhaltsverzeichnis

Ab	Abbreviation		
In	trod	uction	17
1.	Research Problems		
	A.	Unconventionality of Domestic Law	17
	В.	Conventionality Control of Domestic Law	21
2.	Research Materials and Frameworks		
	A.	International and Constitutional Adjudications in Europe	
	-	and Latin America	28
	В.	Conventionality Control Parameters and Powers	35
Pa	rt I	Constitutionalised International Adjudication	39
Cŀ	apt	er 1 Interpretation of Conventionality Control Parameters	41
1.	Relationship between Regional Conventions and Universal Standards		
		Evolutionary Interpretation of Regional Conventions	42 42
	А.	(i) Evolutionary Interpretation of Living Instruments	42
		(ii) Regional Consensus	44
	B.	Interpreting Regional Conventions Through Universal	, ,
		Standards	46
		(i) Evolutionary Interpretation through Universal Standards	46
		(ii) Universal Consensus	52
2.	Pro Homine Principle's International Functions for		
	Conventionality Control		
	A.	Unified Interpretation of Conventionality Control	
		Parameters (1) II (2)	56
		(i) Unification through Interpretative Rules	56 50
		(ii) Unification by Prioritising Most Favourable Standards	59



	B.		ersified Interpretation of Conventionality Control ameters	62	
			Diversification through Interpretative Rules	62	
			Diversification by Prioritising Most Favourble Standards	66	
Chapter 2 International Distribution of Convention Powers		International Distribution of Conventionality Control Powers	7 1		
1.	Rel	atio	nship between Regional and Domestic Courts	73	
	A.		tributing Powers for Domestic Courts Negative Subsidiarity for Allocating Powers to Domestic	73	
			Courts	73	
			Granting Margin of Appreciation to Domestic Courts	77	
	В.		tributing Powers to Regional Courts Positive Subsidiarity for Allocating Powers to Regional	81	
		,,,,	Courts	81	
			Restricting Margin of Appreciation by Regional Courts	83	
2.	International Centralisation and Decentralisation of				
	Conventionality Control Powers				
	A.		ntralising Conventionality Control Powers to Regional		
		Cou		87	
			Prescribing Remedies for Systemic Violations	87	
	B.	Dec	Identifying Organs Responsible for Systemic Violations centralising Conventionality Control Powers to Domestic	92	
		Cou		97	
			Margin of Appreciation in Conventionality Control	97	
		(11)	Deference to Domestic Margin of Appreciation	99	
Pa	rt II	Inte	ernationalised Constitutional Adjudication	105	
Cł	napte	er 1	Application of Conventionality Control Parameters	107	
1.	Relationship between Regional Conventions and National Constitutions			109	
	A.	Sur	premacy of Regional Conventions over National		
		-	nstitutions	109	
			Incorporating Regional Conventions through National		
			Constitutions	109	
		(ii)	Regional Courts Decisions in National Constitutions	120	

	В.	Supremacy of National Constitutions over Regional		
		Conventions	125	
		(i) Consubstantial Constitutional Contestations against		
		Regional Conventions	125	
		(ii) Sovereigntist Constitutional Contestations against		
		Regional Conventions	130	
2	Pro	Homine Principle's Domestic Functions for Conventionality		
۷.		Control		
		Unified Application of Conventionality Control Parameters	136 137	
	11.	(i) Sword Function for Regional Conventions against	157	
		National Constitutions	137	
		(ii) Relativising Absolute Protections of Constitutional	137	
		Rights by Regional Conventions	140	
	B.	Diversified Application of Conventionality Control	2 10	
		Parameters	144	
		(i) Shield Function for National Constitutions against		
		Regional Conventions	144	
		(ii) Relativising Absolute Protections of Conventional Rights		
		by National Constitutions	147	
		·		
Cł	apt	er 2 Domestic Distribution of Conventionality Control		
		Powers	155	
1.	Re	ationship between Constitutional and Ordinary Courts	157	
	A.	Power Distribution for Ordinary Courts	157	
		(i) Consistent Interpretation of Legislation with National		
		Constitutions	157	
		(ii) Disapplication of Legislation Inconsistent with		
		Community Law	158	
	В.	Power Distribution to Constitutional Courts	161	
		(i) Individual Complaint Procedures	161	
		(ii) Rules Prioritising Constitutional Procedures over		
		Community Law Procedures	162	
2.	Do	mestic Centralisation and Decentralisation of Conventionality		
۷.	Control Powers			
		Decentralising Conventionality Control Powers to Ordinary	166	
	4 2.	Courts	166	
		(i) Disapplying Legislation Incompatible with Regional	100	
		Conventions	166	

		(ii) Interpreting Legislation in Consistency with Regional	
		Conventions	172
	B.	Centralising Conventionality Control Powers to	
		Constitutional Courts	178
		(i) Democracy: Balancing Individual Autonomy and Public	
		Autonomy	178
		(ii) Legal Certainty: Balancing Predictability and	
		Acceptability	188
_			195
Co	Conclusion		
1.	Reconstructing Pyramid		
	A.	Pyramid Model: Closedness, Formalism and State-Centrism	196
	B.	Reconciling Constitutionalism and Legal Pluralism Beyond	
		the State	199
2.	Constructing a Trapezium		202
		Trapezium Model: Openness, Substantivism and Human-	
		centrism	202
	B.	Uni/Diversified Parameters and De/Centralised Powers of	
		Conventionality Control	205
			209
Bi	Bibliography		