

| | |
|-------------------------|--|
| 1. Record Nr. | UNINA9910511764103321 |
| Autore | Pascual Vives Francisco Jose |
| Titolo | Consensus-based interpretation of regional human rights treaties // by Francisco Pascual-Vives |
| Pubbl/distr/stampa | Leiden ; Boston : , : Brill Nijhoff, , 2019 |
| ISBN | 90-04-37551-1 |
| Descrizione fisica | 1 online resource (308 pages) |
| Collana | International studies in human rights ; ; volume 129 |
| Disciplina | 341.48026 |
| Soggetti | International human rights courts International and municipal law International law and human rights Regionalism (International organization) Electronic books. |
| Lingua di pubblicazione | Inglese |
| Formato | Materiale a stampa |
| Livello bibliografico | Monografia |
| Nota di bibliografia | Includes bibliographical references and index. |
| Nota di contenuto | Front Matter -- -- -- Foreword -- Abbreviations -- Introduction -- Theoretical Framework: Consensus, Sectorialization and Subsidiarity -- The Notion of Consensus in Public International Law -- The Challenges Arising from the Specialization and Sectorialization of Public International Law -- Subsidiarity as a General Principle in International Human Rights Law -- Consensus and Evolutive Interpretation -- Evolutive Interpretation as a Method of Interpretation in Public International Law -- The Evolution of Regional Human Rights Treaties through the Notion of Consensus -- Consensus and the National Margin of Appreciation -- Scope of the National Margin of Appreciation -- Intrinsic Circumstances Conditioning the National Margin of Appreciation -- Consensus as an Extrinsic Circumstance Conditioning the National Margin of Appreciation -- Final Considerations -- Back Matter -- Bibliography -- Table of Jurisprudence and Case Law -- Table of International Treaties -- Table of Authors. |
| Sommario/riassunto | In Consensus-Based Interpretation of Regional Human Rights Treaties Francisco Pascual-Vives examines the central role played by the notion of consensus in the case law of the European and Inter-American Courts of Human Rights. As many other international courts and |

tribunals do, both regional human rights courts resort to this concept while undertaking an evolutive interpretation of the Rome Convention and the Pact of San José, respectively. The role exerted by the notion of consensus in this framework can be used not only to understand the evolving character of the rights and freedoms recognized by these international treaties, but also to reaffirm the international nature of these regional human rights courts.
