Virtueller Vortrag

im Rahmen der
gemeinsamen Vortragsreihe der Professur Hailbronner, des Franz von Liszt instituts für Internationales Recht und Rechtsvergleichung und CAPAZ zu "Aktuelle Dynamiken der Grund- und Menschenrechte im 21. Jahrhundert“

„Constitutional Restraints due to International Conventions on Human Rights“

Prof. Yaniv Roznai,
Associate Professor at the Harry Radzyner Law School, Interdisciplinary Center Herzliya

Supra-national limitations on constituent power?
This lecture discusses whether the constitutive authority, i.e. the power to establish or change constitutional norms, is subject to "supranational" restrictions arising from a set of principles or laws placed outside the state constitutional order, such as international, supranational or regional law. The question of the existence of such restrictions is therefore particularly important as it brings the tension between state sovereignty and the international community to its peak; if the answer to this question is yes, it has an effect on the 'local' conception of constitutions, and moreover, on the idea of 'sovereignty of the people' itself. Theoretically, supranational legal restrictions are imposed on the constitutive powers, and these restrictions are even enforced by extraterrestrial actors. However, a comparative look shows that despite the apparent superiority of supranational law, in practice, domestic constitutional law still prevails over international law, and supranational restrictions actually need constitutional provisions to increase their effectiveness and enforcement in most countries. In a recent development, state courts - mainly in Latin America - apply international human rights law to determine that provisions appearing in the original constitution are invalid and should not be implemented. On the face of it, this seems to be a dramatic - and positive - development in terms of international law. A deeper examination of these judicial decisions in their political context, however, shows that it is in fact an abuse of international law by courts acting "in the service" of the executive branch to eliminate Presidential term limits and perpetuate their stay in power.

Moderation: Dr. Avraham Weber,
Israeli Attorney since 2000
Associate Lecturer
Chair for Public Law and International Law at the Justus-Liebig-University Giessen

Termin: 6. Juli 2021, 14.15 Uhr, via Zoom

Über die folgenden Einwahldaten haben Sie ab 14.10 Uhr Zugang zur Veranstaltung:

Zoom-Meeting beitreten
https://us06web.zoom.us/j/84883293814?pwd=UkZOb2xtNnpjZ084YmFXajBJTlJFQT09
Meeting-ID: 848 8329 3814
Kenncode: 055656

Wenn Sie die Veranstaltung als **SQ-Vortrag** besuchen möchten, melden Sie sich vor der Veranstaltung bitte in Stud.IP an und beachten Sie die auf der folgenden Seite abrufbaren Informationen zum Nachweis von digital besuchten SQ-Vorträgen (Verfahren ab WS 20/21): https://www.uni-giessen.de/fbz/fb01/service-studierende/services/sqvortrag. Bitte melden Sie sich bei Zoom mit Ihrem vollständigen Vor- und Zunamen an, damit wir Ihre digitale Teilnahme dokumentieren können.

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