

***Your Excellencies,
Presidents of Constitutional Courts,
Honourable Judges,
Distinguished Colleagues,***

It is a great privilege to address this distinguished Forum — a structure which, despite its institutional youth, has already shown that regional constitutional dialogue is not a mere accessory to constitutional justice, but a genuine necessity.

For the Constitutional Court of Romania, this year's topic — *Standardisation of Human Rights and the Role of Constitutional Justice* — is not an abstract theme. It lies at the very heart of our daily constitutional activity.

When we speak about *the standardisation of human rights*, we refer to the process through which shared moral principles and legal norms are defined, recognised, and universally applied. This process establishes common standards of human conduct, protected through both international and domestic law. It reflects not only universality and indivisibility, but also the creation of instruments and mechanisms that ensure the effective protection of those rights in practice.

A crucial stage of this process is the incorporation of international human rights standards into national constitutions and domestic legislation. By doing so, citizens are empowered to invoke these standards directly before national courts. In other words, the standardisation of human rights creates a *common legal language* — a framework that unites nations around the protection of human dignity and fundamental freedoms.

Within this framework, the Constitutional Court occupies a central position. It acts as the *guardian of the Constitution*, and by extension, of the rights and freedoms guaranteed both by domestic law and by international human rights instruments.

Its role in the standardisation process is indirect, yet essential. Through its rulings, the Court ensures that national legislation is compatible with both the Constitution and international standards. It establishes national benchmarks for the protection of rights, verifies that the laws enacted by Parliament comply with constitutional principles, and shields citizens from potential abuses of power by public authorities. Thus, while the Court does not *create* international standards, it plays a vital role in

integrating them and in guaranteeing their uniform and effective application within the national legal system.

The protection standards ensured by the Constitutional Court rest on several fundamental pillars.

First, the ***supremacy of the Constitution***, which stands as the highest expression of the rule of law. All other legal acts must conform to it, as it guarantees the rights and freedoms of all citizens.

Second, the ***integration of international standards***. Article 20 of the Romanian Constitution provides that the provisions concerning citizens' rights and freedoms shall be interpreted in accordance with the Universal Declaration of Human Rights, and with the covenants and treaties to which Romania is a party.

Third, the ***priority of international law***. In cases of inconsistency between international human rights treaties and domestic law, the international provisions prevail, unless national law contains more favourable rules. This ensures that individuals always benefit from the highest standard of protection available.

Fourth, the ***application of the European Court of Human Rights' jurisprudence***. Our Constitutional Court consistently takes into account the case law of the Strasbourg Court, ensuring convergence between national and European standards of protection.

And finally, the ***constitutionality review of laws***. By ruling on exceptions of unconstitutionality, the Court guarantees that no law or government ordinance violates the fundamental rights and freedoms protected by the Constitution and by international treaties. Together, these principles ensure that the standards of protection are not static, but dynamic — firmly anchored in the Constitution, yet constantly enriched by the most favourable international norms.

However, there are situations when the absence of clear legal standards in national legislation becomes evident. Such cases pose a real challenge for the Constitutional Court, whose task is to verify conformity with the Constitution.

When the legal text is vague or incomplete, the Court must go beyond literal interpretation. It relies on the principles of constitutional supremacy and on international standards, using systematic, teleological, and even evolutionary interpretation to clarify the true meaning of the law.

Nevertheless, the Court cannot replace the legislator. When it identifies legislative gaps or ambiguities, it cannot rewrite the law — it can only declare those provisions unconstitutional and compel Parliament to act. In this way, the Court strengthens the predictability and coherence of the legal system — both essential elements of the rule of law.

The Constitutional Court's jurisprudence is by its very nature ***dynamic***. This dynamism ensures that the protection of human rights evolves in step with international standards and with the realities of contemporary society.

There are several key aspects of this evolving approach.

First, the need to adapt to the **case law of the European Court of Human Rights**. As the European Court of Human Rights develops an evolutive interpretation of the European Convention, the Constitutional Court adjusts its reasoning accordingly, maintaining alignment between national and European levels of protection.

Second, the Court must respond to **new social and legislative challenges** — issues that arise from social transformation, technological innovation, or political reform. Each case provides an opportunity to clarify and enrich constitutional interpretation.

Third, through what we call **dynamic constitutional review**, the Court evaluates legislation not only in light of the Constitution itself, but also of the broader *constitutional block*, which includes international human rights treaties.

Fourth, the Court strives to **strengthen legal certainty**. Its binding decisions ensure the predictability of the law and guide both the legislature and the judiciary in the consistent application of human rights standards.

And finally, there is the **possibility of jurisprudential reversal**. The Court may revisit earlier positions when legal or social developments demand it — demonstrating flexibility and dynamism in addressing complex and sensitive legal issues.

In this way, the dynamic character of the Court's jurisprudence becomes a defining feature of its work, ensuring that human rights protection remains effective and up to date within a constantly changing European and international environment.

The Constitutional Court's response is rooted in the evolutive interpretation of the Constitution. The Court does not apply the Constitution rigidly, but in light of social realities, technological progress, and changing societal values. This interpretation

ensures that human rights standards evolve with new social needs and allows the Court to react to legislative measures that, although justified by public order or national security, disproportionately restrict fundamental rights. In such cases, the Court intervenes to restore the balance between public interest and individual liberty, while aligning national protection standards with those of the European Court of Human Rights.

Another constant concern of the Court's jurisprudence is the protection of *vulnerable groups* — detainees, persons with disabilities, minorities, and other groups requiring special protection. Through its decisions, the Court reinforces the principle that the Constitution protects *everyone*, ensuring equality, human dignity, and access to justice.

In conclusion, the Constitutional Court of Romania plays a vital role in ensuring that human rights protection standards do not remain mere declarations, but become living principles applied every day.

Through its final and binding decisions, the Court strengthens citizens' confidence in justice and in the rule of law, proving that there exists an institution ready to defend their fundamental rights against any form of abuse or arbitrariness.

Allow me, in closing, to express my sincere appreciation to our hosts for the excellent organisation and warm hospitality extended to all of us.

I wish this Conference full success in its deliberations and in advancing our shared commitment to constitutional justice and the protection of fundamental rights.

I am confident that our discussions here in **Antalya** will deepen our understanding of constitutional principles and strengthen the spirit of dialogue and mutual respect that unites our institutions.

Thank you!