

Distinguished colleagues,

It is a great honour for me, as President of the Constitutional Court of the Republic of Moldova, to participate at the Balkan Constitutional Courts Forum and to address the topic of this panel. I will share some reflections on how constitutional justice supports the standardization of human rights in Moldova, the challenges we face, and the contributions we must make together.

In recent decades, we have witnessed a remarkable development of human rights standards. International treaties, regional human rights systems, and national constitutional frameworks have increasingly converged around core values: democracy, dignity, equality, liberty, and the rule of law.

The Republic of Moldova is a party to the most effective human rights treaty — the European Convention on Human Rights. Although this Convention is often described as a “minimum standard for the protection of human rights,” we should not overlook the role of the Strasbourg Court as a trailblazer, introducing new visions and approaches to the protection of fundamental rights.

My Court consistently holds that the reasoning of the Strasbourg Court in similar cases provides a foundation for the Constitutional Court of Moldova to develop its own caselaw, based on the authority of *res interpretata* conferred by the judgments of the Strasbourg Court.

This reality is not unique to Moldova. Constitutional courts across Europe do not act in isolation. They are part of a broader environment of human rights protection. They interpret national constitutions, uphold international commitments, and engage in dialogue with regional courts and other constitutional jurisdictions.

This process of standardization is vital because it establishes a shared level of expectation. Individuals know that certain fundamental rights are protected, while states in our region can anticipate the normative space within which they operate. It also fosters mutual trust among democratic constitutional orders.

Beyond referring to Strasbourg jurisprudence when determining the scope of a fundamental right also protected by the European Convention, the Constitutional Court of Moldova has adopted its methodology for safeguarding rights. For example, the proportionality test we apply is inspired by the proportionality analysis used by the Strasbourg Court.

The Constitutional Court of Moldova also requires ordinary courts to apply the proportionality test. In a 2020 judgment delivered during the COVID-19 pandemic, the Constitutional Court declared unconstitutional certain provisions of the Administrative Code that prevented ordinary courts from conducting a full judicial review of the measures adopted by the executive during the pandemic.

The Court emphasized that, alongside Parliament, the judiciary plays a crucial role in overseeing the prerogatives of the executive during a state of emergency, with ordinary judges verifying the legality of specific emergency measures. Moreover, the judiciary must ensure the right to a fair trial in such circumstances. Individuals must also benefit from the right to an effective remedy if public authorities violate their fundamental rights during emergencies. To meet the requirements of a fair trial, ordinary courts must have jurisdiction to examine all questions of fact and law relevant to resolving the disputes before them.

Furthermore, the Constitutional Court stressed that, in terms of procedural safeguards, any person subjected to interference with his or her rights must have the proportionality of that interference reviewed by an independent tribunal.

In addition to the Strasbourg Court, another key source of inspiration for our Constitutional Court is the Venice Commission. The Court regularly relies on the rule of law standards developed by the Commission to substantiate its reasoning. In many cases, it has referred to the *Report on the Rule of Law* adopted by the Venice Commission.

In other cases, the Court has stated that it takes into account the main instruments of international organizations and relevant European caselaw on the issues under interpretation, particularly when these reveal the existence of a European consensus. This approach, grounded in Article 4 of our Constitution, reflects the Republic of Moldova's general obligation to enhance its political legitimacy and to contribute to strengthening the European consensus. Despite the *soft law* nature of the Venice Commission's opinions, the Constitutional Court recommended in a 2020 decision that Parliament adopt electoral legislation consistent with Moldova's general obligation to reinforce political legitimacy, consolidate the emerging European consensus, and comply with European electoral standards and the recommendations of the Venice Commission.

I am convinced that most of the European courts represented at this Forum share the approach of the Constitutional Court of Moldova regarding the importance of these two sources of inspiration. Yet, these sources do not relieve us of the need to strengthen dialogue and mutual learning among the constitutional courts of our region.

The exchange of case-law and the organization of thematic conferences promote the convergence of standards and enhance consistency in our jurisprudence.

In conclusion, let me emphasize that the standardization of human rights across our region is not merely a legal exercise. It reflects our shared democratic values — our commitment to democracy, dignity, equality, liberty, and the rule of law. Constitutional courts play a central role in this endeavour: as guardians of rights, interpreters of standards, and promoters of constitutional culture.

Dear colleagues, I look forward to our exchange of views today and to continued cooperation among our courts in building a stronger constitutional culture in the Balkans and beyond.

Thank you for your attention.