

# LA CONVENTION EUROPÉENNE DES DROITS DE L'HOMME ET LA JURISPRUDENCE DE LA COUR EUROPÉENNE DES DROITS DE L'HOMME REFLÉCHIES DANS LES DÉCISIONS DE LA COUR CONSTITUTIONNELLE ROUMAINE

Mircea CRISTE\*

**Abstract:** *Since its first form of 1991, the Romanian Constitution had a provision to facilitate its European integration: the stipulations concerning the public rights and freedoms will be interpreted according to the Universal Declaration of the rights and the other Treaties that Romania has ratified, giving priority to the last ones if it would be in conflict with the national law.*

*In the Romanian Constitutional Court opinion, this standard is justified by the fact that international regulation on the fundamental rights is assimilated to constitutional norms.*

*As much Romania was not a member of the Council of Europe and has not ratified the European Convention of Human Rights, the interpretation of the Convention and of the decisions of the European Court of Human Rights in Strasbourg, had no importance for the Romanian legislation and jurisprudence.*

*Au contraire, after this date, the omission in the controlled norms of a requirement expressly asked by the reference texts, constituted a conflict between national law and a treaty regarding the human rights.*

**Key words:** *Constitutional Court, European Convention of Human Rights, European Court of Human Rights, constitutional review.*

**JELL Classification:** *K 30, K 33, K 40.*

---

\* Professeur à l'Université d'Ouest Timisoara et à l'Université 1<sup>er</sup> Décembre 1918 Alba Iulia.