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Constitutional engineering - Abuse of constitutional provisions of protecting human rights

In the 21st century, constitutional engineering is a materia that is more and more talked about. The experiences and consequences of previous constitutional pleadings have contributed to making this notion more relevant and drawing attention to the real need for a proper constitution as the highest act in a so called legal state. That is one of the reasons why bad practice of copying good constitutions in all types of countries should be interrupted, as well as finding appropriate human rights protection mechanisms, because the basic human rights and freedoms are apparently unprotected in certain constitutions and susceptible to manipulation because of so-called "constitutional loopholes"... The existence of an enormous number of judgments by the European Court of Human Rights, precisely in favor of individuals whose rights are grossly violated even by the states themselves, speaks alarmingly in support of our theme that urgent constitutional reforms are needed to establish legal certainty. In this paper, through case studies, we will try to present the picture of the current situation and (non) existence of an equilibrium between Constitutional guarantees and human rights. We will also analyze the inappropriate practice of adopting the same constitutions in different state installations.

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