

Abstracts

Corneliu-Liviu Popescu, The date of termination of Party status to the European Convention on Human Rights

Abstract: A State or the European Union may cease to be a Party to the European Convention on Human Rights by denouncing the Convention, if it has been a Party for at least 5 years and subject to 6 months' (or more) notice. A State which ceases to be a Member of the Council of Europe (by withdrawal from the Organization or by exclusion) ceases *ipso jure* and without any formality to be a Party to the Convention, on the very day of the termination of membership of the Council of Europe. In the event of the joint application of the two grounds for ceasing the status of State Party to the Convention (denunciation of the Convention and termination of the membership of the Council of Europe), the date of termination of the status of Party to the Convention is the shortest.

In the specific case of Russia following the military aggression against Ukraine, as it voluntarily withdrew from the Council of Europe on 15.03.2022, its exclusion from the Council of Europe, decided by the Committee of Ministers on 16.03.2022, is not valid and Russia (validly) ceased to be a Party to the Convention on 31.12.2022, the same day and as an automatic effect of the termination of membership of the Council of Europe, and not on 16.09.2022, i.e. 6 months after the date of his exclusion from the Council of Europe, because the exclusion is not valid and the 6 months' notice is only applicable in the event of denunciation of the Convention. The human rights violations committed by Russia between 16.09.2022 and 31.12.2022 fall under the jurisdiction *ratione temporis* of the European Court of Human Rights, contrary to what the Court has decided, which limited its temporal jurisdiction concerning Russia to the facts committed until 16.09.2022.

Key words: European Convention on Human Rights. Party. Denunciation. Council of Europe: Membership. Termination of membership.

Corneliu-Liviu Popescu, The date of termination of Party status to the European Convention on Human Rights

Abstract: A State or the European Union may cease to be a Party to the European Convention on Human Rights by denouncing the Convention, if it has been a Party for at least 5 years and with a notice period of 6 months (or more). A State which ceases to be a Member of the Council of Europe (by withdrawal from the Organization or by exclusion) shall automatically and without any formality cease to be a Party to the Convention on the very day on which membership of the Council of Europe ceases. In the event of

joint intervention of the two grounds for termination of State Party to the Convention (denunciation of the Convention and cessation of membership of the Council of Europe), the date of cessation of status as a Party to the Convention shall be the shortest.

In the specific case of Russia following the military aggression against Ukraine, as it voluntarily withdrew from the Council of Europe on 15.03.2022, its exclusion from the Council of Europe, decided by the Committee of Ministers on 16.03.2022, is not valid and Russia ceased to be a Party to the Convention on 31.12.2022, on the same day and as an automatic effect of the (valid) termination of its membership to the Council of Europe, and not on 16.09.2022, i.e. 6 months after the date of its exclusion from the Council of Europe, because the exclusion is not valid and the 6-month notice period is only applicable in the event of denunciation of the Convention. Human rights violations committed by Russia between 16.09.2022 and 31.12.2022 attract *ratione temporis* the jurisdiction of the European Court of Human Rights, contrary to what the Court has decided, which limited its temporal jurisdiction over Russia to acts committed up to 16.09.2022.

Key words: European Convention on Human Rights, party, denunciation, Council of Europe, member, termination of membership

Liviu Andreescu, Discrimination in America: services for same-sex marriages and race in admissions in two recent decisions of the US Supreme Court

Abstract: The article discusses two recent decisions – summer of 2003 – by the Supreme Court of the United States: *Students for Fair Admissions v. Harvard* and *303 Creative v. Elenis*. It presents their context, summarizes the Court's majority opinion and some of the dissenting opinions, and anticipates their likely implications. The article's target audience are Romanian professionals interested in questions of discrimination, as well as in American government and politics more generally.

Key words: discrimination, basic rights, higher education, same-sex marriage, free speech, race

Vlad Babenco, Exploring the political interests of LGBT+ people in Romania through semi-structured oral interviews

Abstract: The article proposes and tests a methodological solution for investigating the political interests of LGBTQIA+ people living in Romania through the semi-structured oral interview method. The approach, although not reaching the standards of a statistical research method, provides valuable information about LGBTQIA+ issues in Romania. The study is based on 22 interviews and highlights information about the respondents' life experiences, as well as queer people's knowledge of and interaction with pro-LGBTQIA+ civil society. The central objective of investigating political interests is achieved by constructing an LGBTQIA+ political interest index and ranking these interests.

Key words: political interests, LGBTQIA+, queer theories, intersectionality, representation