

Abstracts

Corneliu-Liviu Popescu, Note on the Decision of the European Court of Human Rights of 06.03.2025, Case Călin GEORGESCU v. Romania, Application no.37327/24

Summary: The right to free elections and the right to a fair trial are not applicable *ratione materiae*, according to the clear and settled case-law of the European Court of Human Rights, in the case of annulment of a presidential election by a national constitutional court. An application for provisional measures seeking to suspend the execution of the constitutional court decision annulling the presidential election and to resume the electoral process does not fall within the scope of the relevant regulatory rule. The decision of inadmissibility adopted by a committee is contrary to the conventional rules of procedure, since the case was initially before a chamber, which is not entitled to refer it to a committee as a lower judicial body, but the final nature of the decision means that the presumption of validity of that decision is irrebuttable.

Keywords: right to free elections, right to a fair trial, presidential elections, incompatibility *ratione materiae*, European Court of Human Rights, Committee, Chamber, competence, provisional measures.

Gabriel Andreescu, The presidential elections of 2024/2025. What they say about the relationship between elections and democracy in the age of social networks

Abstract: The study summarizes the main facts of the 2024 presidential elections and the first round of the 2025 presidential elections, gives a brief portrait of the excluded candidates, introduces information about the context of these elections, comments on the decisions of the BEC to reject candidates and analyzes the unconstitutionality rulings concerning the candidacies of Diana Șoșoacă and Călin Georgescu, with emphasis on the arguments for and against. Several cases from ECHR case law aimed at protecting free elections “expressing the opinion of the people” are discussed. The study makes several observations on the responsibilities of the institutions that were involved in ensuring the rule of law before and during the elections. The conclusion of the study is that the disruption of the first stage of the electoral process aimed at electing the President of Romania points to the formidable difficulty of ensuring free and fair elections in the age of social networks. The situation calls for a rethinking of the foundations of democracy at a time in history dominated by new means of communication, which are simultaneously powerful and easy to manipulate.

Keywords: elections, polls, manipulation, social networks, democracy, jurisprudence, Supreme Council of National Defense, Central Electoral Bureau, Constitutional Court of Romania, ECHR, Diana Șoșoacă, Călin Georgescu

Liliana Ene, Synthesis of CNCD case law. Race and ethnicity criteria - 2018

Abstract: The Synthesis of the CNCD case law on Race and Ethnicity, 2018, makes an inventory of complaints alleging actions leading to racially or ethnically motivated unfavorable treatment, not reducible to verbal or written expressions. Petitions that were closed because they were found to be incomplete or had been withdrawn by the petitioner were not included. For each individual case a brief description of the facts, the reasoning and the decision of the College of the Director were outlined. The average length of a judgment summary is about one and a fifth pages. Thirty-five judgments, adopted between January 17, 2018 and December 11, 2018, were thus described.

Keywords: race, ethnicity, discrimination, jurisprudence, petitioner, substantive jurisdiction, CNCD.