

## Abstracts

### **Valerius M. Ciucă, The Cracked Scales of Justice, or on the Tensions within the Romanian Judicial System**

**Abstract:** This article examines the structural tensions that have recently emerged within the Romanian judiciary, beyond the contingent circumstances of institutional conflicts or debates concerning the status of magistrates.

The central hypothesis is that these tensions cannot be adequately explained through a purely positivist or procedural approach, but rather reflect a deeper crisis of meaning affecting the concept of judicial independence.

Starting from the qualification of the judge as an exponent of a state power and from the understanding of independence as a public guarantee, the article analyses the risks of corporatist self-referentiality and the transformation of institutional autonomy into autarky.

It addresses the role and limits of the Superior Council of Magistracy, the relationship between the judiciary and the other state powers, as well as European models of judicial governance, with particular reference to the French and German experiences.

Special attention is devoted to the temporal dimension of justice, the principle of reasonable time, the moral significance of limitation periods, and the role of collective deliberation as a constitutive act of jurisdiction.

The refusal of deliberation is interpreted as a form of *justice denied*, capable of undermining both the continuity of judicial power and the legitimacy of judicial decision-making.

The article concludes that judicial reform cannot be reduced to normative or institutional adjustments alone, but requires a rebalancing between independence and public responsibility, between form and conscience.

Only such an approach, explicitly acknowledging the ethical dimension of the judicial function, can restore the credibility and authority of justice within a state governed by the rule of law.

**Keywords:** judicial independence, judicial power, judicial deliberation, reasonable time, limitation periods, judicial governance, rule of law

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### **Cristi Danileț, What Kind of Judge Does the ECtHR Protect? The Danileț v. Romania [MC] Decision and the Two Models for Judges**

**Rezumat:** The study examines the decision in *Danileț v. Romania [MC]* as a moment of clarification of the model of judge protected by the conventional order. The central thesis is that the decision does not support militant judges and does not weaken the obligation of reserve but instead confirms that the legitimacy of the judicial function is not limited to institutional silence. The analysis distinguishes two competing models: the *civic judge* and the *reserved judge*, the difference between them being not the existence of the obligation of reserve, but the threshold from which it ceases to be a virtue

and becomes an obstacle. The study traces the Western genealogy of these models, from the legalistic judge to the judge-interpreter and the judge-guardian. At the normative level, it shows that the decision is part of a progressive sedimentation of international and European standards regarding the freedom of expression of judges. The hermeneutical dimension of the analysis holds that the judge cannot be reduced to a completely impersonal function, since the act of judging presupposes interpretation, application and justification. In this context, *Danileț v. Romania [MC]* appears not only as a resolution of a disciplinary case, but as an inflection point in the contemporary definition of the judicial function. The decision shifts the focus from prohibition to balance and forces the doctrine to rethink the relationship between reserve, institutional responsibility and public presence of the judge. Finally, the study argues that the defense of democratic justice requires judges capable of remaining both reserved and responsible, prudent and present.

**Keywords:** civic judge; reserved judge; duty of reserve; freedom of expression; judicial independence

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***Mihaela Ghirca-Bogdan, Nicoleta Popescu, Judges' Freedom of Expression on Social Media. The Standards of the Grand Chamber of the ECtHR in the Case of Danileț v. Romania***

**Rezumat:** The decision of the Grand Chamber of the European Court of Human Rights in the case of *Danileț v. Romania* (December 15, 2025) represents the most important jurisprudential landmark in the field of freedom of expression of magistrates on social networks and the first in which the European Court of Human Rights adapts its standards to the situation of the "ordinary" judge who expresses himself in the digital space without holding any special institutional position. This article reconstructs the jurisprudential and national context of the decision, analyzes the five criteria structured by the Grand Chamber for assessing the freedom of expression of magistrates and follows their concrete application to the applicant's two messages, in parallel with the reasoning of the Romanian disciplinary courts.

**Keywords:** freedom of expression, magistrates, social networks, limited margin of appreciation, debate of general interest, obligation of reserve, disciplinary sanction

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***Corneliu-Liviu Popescu, The Board of Peace as an International Organization***

**Abstract:** The Board of Peace is an international organization with a universal potential, an organization dedicated to cooperation while respecting the individual sovereignty of each Member State, an organization in the field of peace. The Organization is established on a temporary basis, for a term of less than two years, unless its President expressly decides to extend it. The existence of the Board of Peace and its membership (acquisition and maintenance of the membership status) depend essentially on the discretionary will of the President. The main traditional intergovernmental collegial decision-making body, in which all Members are represented and have equal voting rights, bears the same name as the Organization and has no real power of its own. The principal decision-making body of the Board of Peace is its President (who holds the essence of the powers, which he may exercise at his discretion), assisted by the Executive Board (led by its Chief Executive), as the executive body, whose members are

appointed by and may be dismissed at the President's discretion. The first President of the Board of Peace is specifically designated by the Charter as the current President of the United States, for a lifetime term, and each successive President of the Board of Peace designates his or her successor; in the absence of a President the Organization can no longer function and ceases to exist. These legal provisions are highly innovative, but are not *per se* contrary to International Law.

**Keywords:** Board of Peace, Charter of the Board of Peace, international organization, international treaty establishing an international organization, member state of an international organization

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***Dezideriu Gergely, The dynamics of "hate crimes" in the ecosystem of discrimination and the factors influencing the investigation of acts motivated by discrimination in the logic of ECtHR case law and academic perspectives. Data set no. 2: "violation"***

**Abstract:** Building on the work started with Data Set No. 1: "No Violation," this study focuses on cases in which the European Court of Human Rights (ECtHR) finds a violation of Article 14. Academic research on hate crimes has highlighted persistent difficulties in recognizing and proving discriminatory motives, stemming from both conceptual ambiguities and institutional barriers in investigative processes. ECtHR case law serves as an essential reference point for understanding these dynamics, yet it remains marked by the tension between the high evidentiary standard and the obligation of states to uncover discriminatory motives. An analysis of judgments in which the Court finds a violation of Art. 14 in conjunction with Articles 2, 3, or 8 (on the grounds of racial or ethnic origin, or religion) reveals that the sanctioning of discrimination occurs predominantly on the procedural side, through the penalization of evidentiary inflation, the decoupling of facts from the discriminatory context, the formal validation of investigations, and the acceptance of alternative explanations.

In these cases, the Court generally applies the "plausible information" mechanism to establish the obligation to verify the potential role of attitudes suspected of discrimination in cases of physical acts of assault, harassment, or homicide, and, exceptionally, through the mechanism of *prima facie* presumptions, shifting the burden of proof to the state when the evidence is sufficiently strong. However, substantial violations of Article 14 remain isolated, being possible only under certain conditions. The study thus highlights the limitations and real potential of Article 14 regarding hate crimes and opens avenues for research on variations in these patterns in cases involving other protected grounds, including the perspective of indirect discrimination.

**Keywords:** hate crimes, discrimination, racist motivation, evidentiary inflation, *prima facie* presumptions, duty to investigate, European Court of Human Rights

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## ***Victor Ciobotaru, Civil Partnerships in Romania: Legislative Deadlock and European Obligations***

**Abstract:** Over the past 18 years, several legislative initiatives aimed at introducing civil partnerships have been submitted to the Romanian Parliament, none of which have been adopted. During the same period, European and constitutional jurisprudence has undergone significant development, consolidating Romania's obligation to ensure a form of legal recognition and protection for families composed of same-sex partners.

This article provides a chronological analysis of legislative proposals on civil partnerships submitted to the Romanian Parliament since 2008. It examines the main features of these initiatives, including the procedures for registering partnerships, the legal rights granted to partners, the limitations of the proposed regulatory frameworks, as well as the parliamentary trajectory and current status of each initiative.

The analysis shows that all legislative proposals have aimed to establish a legal institution distinct from marriage and have not included provisions allowing same-sex couples to adopt children. At the same time, these initiatives have sought to confer significant patrimonial, succession, and social rights.

The article argues that, despite the repeated introduction of legislative initiatives and the consolidation of European and constitutional jurisprudence, Romania has yet to adopt legislation on civil partnerships or any equivalent form of legal protection, primarily due to a lack of political will. This situation raises serious concerns regarding Romania's compliance with its obligations under the right to respect for private and family life, as well as, more broadly, with the requirements of the rule of law and the protection of human rights.

**Keywords:** civil partnership, right to private and family life, same-sex families, European Court of Human Rights, Court of Justice of the European Union, Romania, legal recognition