Editorial

The current issue of the *New Journal of Human Rights* has two thematic focuses. The first, related to the case of *Danileț v. Romania*, is supported by two articles dedicated to the decision rendered by the Grand Chamber of the ECtHR. A third text outlines a Philosophy of Law project designed to address the current crisis in Romania's legal system, the backdrop against which the "Danileț case" became possible.

Reflecting on his own case, former judge Cristi Danileț sought, beyond the technical details of the proceedings in Strasbourg, the broader significance of the Grand Chamber's decision. The case of *Danileț v. Romania* should not be read as the final episode of a disciplinary procedure, but rather as the beginning of a broader European debate on the internal resilience of democratic justice. The emphasis should not be on resolving a specific case, but on requirements that demand judges capable of understanding the world.

The two lawyers who represented Mr. Cristi Danileț before the Grand Chamber of the ECtHR, Mihaela Ghirca-Bogdan and Nicoleta Popescu, offer a more nuanced interpretation. Writing about "Judges' Freedom of Expression on Social Media," they note that in the case of *Danileț v. Romania* the Grand Chamber chose to recognize a zone of freedom for the judge-citizen who wishes to defend democratic values. To avoid compromising the indispensable appearance of independence and impartiality of judges, this "zone of freedom" must be exercised with prudence, clarity, and caution. The result is a fragile balance, but one that is necessary for a healthy democracy.

We suggest that Professor Valerius M. Ciucă's study, "The Cracked Scales of Justice, or on the Tensions within the Romanian Judicial System," should be used as reference. The reader will thus be able to draw upon a wealth of insights for their own work, of which we offer the following examples: a. "Beyond the law and rights lies, always, Justice…"; b. "Independence [regarding judicial governance] is not an end in itself, but a means to realize an impartial, credible, and socially accepted justice…"; c. "The current tensions within the Romanian judiciary (...) reflect, rather, a crisis of meaning regarding judicial independence, in which procedural form risks supplanting reflection on the purpose of the act of justice, and the demand for autonomy risks overshadowing the public service dimension exercised on behalf of citizens"; d. "The judge is not merely a technical expert in procedure, but the representative of a branch of state power, vested with an authority that draws its strength from public trust and the sober exercise of reason."; e. "The purpose is not to argue against exorbitant claims on the part of the judiciary, but to shape a reflective re-foundation of the meaning of justice."; f. "In its original, constitutional form, the SCM is a balancing body, not an

autonomous center of power"; g. "...the crisis of the Romanian justice system is not exclusively one of normative architecture, but one of meaning and institutional conscience."

The list of theses "to keep" is much longer.

The second focus of this issue of the *New Journal of Human Rights* was inspired by Professor Corneliu-Liviu Popescu's research on the Board of Peace initiated by Donald Trump. The subject is new and sensitive, and as a result, there are relatively few critical discussions or legal analyses on the topic. Commentators have raised questions regarding the organization's compatibility and legality under international law, the risk of abuse of power, the implications of a "managerial" approach at the expense of rights-based approaches, the concentration of power, the issue of transparency and accountability in the absence of traditional UN oversight, issues related to the consent of the Palestinian authorities, conflicts of interest, the issue of rivalry with existing UN structures, and so on.

This is the context in which Professor Corneliu-Liviu Popescu's study appears. The author's aim was to produce a well-reasoned, balanced, and clear text that would establish some firm points within the fluid body of literature on the subject. These objectives were supported by a rigorous legal investigation of the Charter of the Board of Peace, the status of Board of Peace members, and the internal bodies of the Board of Peace, with an emphasis on the legal nature of the Board of Peace. And even when he echoes some of the opinions already expressed, Corneliu-Liviu Popescu's arguments ensure their enduring relevance. The Peace Council appears to be a typical international organization, established as a classic body for international cooperation, respectful of the sovereignty of each member state, viewed in isolation from the sovereignty of any other member state. However, upon closer examination, several "highly original" characteristics emerge: the Organization's existence, composition, internal decision-making power, and succession to power all depend on the will of a single person, its Chairman, appointed for life by the founding treaty. This legal solution, "however original," is not in itself contrary to international law, but the long-term viability of the Board of Peace, the expansion of its membership, the functionality of its internal system of bodies, and the actual effectiveness of its actions, which are extra-legal aspects, remain to be seen.

To complement Professor Corneliu-Liviu Popescu's study, the documentary prepared for *NRDO* No. 1/2026 publishes the Charter of this "original" organization and an account of the steps that led to the signing of the founding document of the Board of Peace at the conclusion of the meeting on January 22, 2026, at the 56th World Economic Forum (Davos). A series of relevant interpretations of the events and their significance are presented, including the fact that the international organization proposed by President Donald Trump to help manage the situation in the Gaza Strip has become "a step toward a new phase of the crisis of universalism."

Two "niche" studies are included. One, a synthesis by doctoral candidate Victor Ciubotaru, concerns the legislative initiatives, all of which failed, aimed at achieving the recognition of civil partnerships in Romania. Mr. Victor Ciubotaru's article describes the

emerging European consensus regarding the legal protection of these relationships and the obligations arising from the case law of the European Court of Human Rights and the Court of Justice of the European Union, in contrast to the Romanian state's political resistance to aligning with this European trend.

Dr. Dezideriu Gergely's new study on the logic of ECtHR case law and academic perspectives regarding "hate crimes" identifies the consolidation of a procedural standard of due diligence. This standard balances the examination of acts motivated by discriminatory attitudes by using the "standard of proof beyond a reasonable doubt." Although, following a finding of procedural violation, the ECtHR issues rulings sanctioning state inaction and "exposes" the discriminatory motivation, evidentiary requirements mean that a substantive violation remains, rather, an exceptional occurrence. This, Mr. Gergely argues, perpetuates the persistent asymmetry between victims and states in proving discrimination, under Articles 2 and 3 in conjunction with Article 14 of the European Convention on Human Rights.

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