

Abstracts

Dezideriu Gergely, Synergies, overlaps and delineations between the approaches of the European Court of Human Rights and the Court of Justice of the European Union on criteria and forms of discrimination in 2022 and early 2023

Abstract: The present research analyzes the European practice, mainly the case-law of the Court of Justice of the European Union and of the European Court of Human Rights at the beginning of 2023 and during 2022, in order to identify relevant intersections between the interpretations of the two courts at the level of the material or subjective elements of discrimination and, in particular, from the perspective of the grounds or criteria's of discrimination prohibited in the European Convention on Rights Human and EU anti-discrimination directives. The research starts from the hypothesis that the interpretation approaches, the examination framework and the conceptual limits of these European courts are different, but the points of convergence in recent case-law on non-discrimination have seen a significant increase, with implications for national courts as well as the policy of the Member States to ensure a genuine protection of human rights, and, in particular, effective protection against discrimination, which unfortunately is still widespread in Europe.

Key words: jurisprudence, direct discrimination, indirect discrimination, points of convergence, Court of Justice of the European Union, European Court of Human Rights

Gabriel Andreescu, A provocative violation of the freedom of association. The case of the association "15 December - Day of Romanian-Hungarian Solidarity"

Abstract: The study makes an almost exhaustive research of the context in which the General Secretariat of the Government (SGG) postponed, delayed and after a long time, refused to grant the right to use the name of the association "15 December - Day of Romanian-Hungarian Solidarity", established on December 15, 2021 by several Romanians and Hungarians. I give relevant information about the founding members, about the main ideas of the association, I delineate the stakes of its appearance and I review the steps needed to acquire legal personality, the first of which was a request to obtain the permission to use the name. I follow the evolution of the association's application to the National Council for Combating Discrimination and to the Bucharest Court of Appeal. I review the doctrine regarding the freedom of association developed through the jurisprudence of the European Court of Human Rights to demonstrate the

complete lack of legitimacy of the SGG attitude. I stress the arbitrariness and confusion that dominated the behavior of the Secretary General of the Government, Marian Neacșu, in this case where the freedom of association was violated.

Key words: the association “15 December - Day of Romanian-Hungarian Solidarity”, freedom of association, legal personality, Revolution, László Tórkés, Marian Neacșu, General Secretariat of the Government