

Abstracts

Gabriel Andreescu, From the presidential appeal to the politics of memory: a critical analysis of the proposal to amend GEO 31/2002 and Law 157/2018

Abstract: The study follows the path of the Law amending the sanctioning framework regarding fascist/legionary/racist/xenophobic organizations, symbols and acts, as well as Holocaust denial, lists the institutional opinions and comments (CES, CNCND, CNA, CSM, Legislative Council) and reconstructs the public debate generated by the appeal of unconstitutionality formulated by the President and rejected by the CCR. We examined the quality standards of the criminal law (clarity, precision, predictability), the correlation with freedom of expression and the need to find the line between lawful admiration for a historical figure and the “promotion of the cult” of that historical figure. We emphasized the risk of punitive extension through vague or redundant terms (“legionary”, “legionary materials”) and by replacing “apology” with “cult” without operational criteria.

Based on comparative data (France, Germany, Poland, Sweden) and an inventory of national incidents between 2015 and 2025, the empirical conclusion is that Romania registers relatively few violent anti-Semitic acts, while the proposed sanctioning regime will be among the harshest in the EU. The latter remains imprecise in the meaning of the terms and in normative connections. Local anti-Semitism is mainly one of discourse. A good public policy does not consist in the unlimited increase in incriminations, but in the proportional and predictable calibration of the social response by strengthening the educational and memorial infrastructure.

The study then broadens the view to discuss the systemic risks of Romanian democracy: the networks of the heirs of national-communism, the influence of Russia, the instrumentalization of identity issues (Hungarians/Roma) and the hijacking of public attention by hyperbolizing the “legionary danger”. In this context, the author advocates for an ethics of memory that unambiguously recognizes the tragedy of the Jews in the Romanian space (including the Holocaust in Transnistria), but that avoids penalizing attitudes when there is no concrete social danger, directing the effort towards democratic resilience and coherent educational policies.

Keywords: OUG 31/2002, Law 157/2018, antisemitism, appeal of unconstitutionality, sanctioning regime, President of Romania, fascist, legionary, national-communism, ethics of memory, politics of memory, presidential elections, Russia

Corneliu-Liviu Popescu, Legal sanctions resulting from judicial decisions censuring the constitutional powers of the Constitutional Court

Abstract: The judgments adopted by the Constitutional Court in the exercise of its constitutional functions as presidential electoral judge are not administrative acts and are not subject to review by the judicial courts. The two judges who considered themselves competent to verify the validity of the Constitutional Court's judgment on presidential elections committed a serious disciplinary offense requiring their removal from the judiciary, as well as the criminal offense of usurpation of office.

Keywords: Constitutional Court, presidential election judge, judgment, decree, validity review, jurisdiction of the courts, legal non-existence, disciplinary offense.

Corneliu-Liviu Popescu, Les sanctions juridiques consécutives aux décisions judiciaires de censure des pouvoirs constitutionnels de la Cour constitutionnelle

Résumé: Les arrêts rendus par la Cour constitutionnelle dans l'exercice de ses fonctions constitutionnelles de juge électoral présidentiel ne sont pas des actes administratifs et ils ne sont pas susceptibles d'être censurés par les tribunaux judiciaires. Les deux juges judiciaires de contentieux administratif qui se sont considéré compétents à vérifier la validité d'un arrêt de la Cour constitutionnelle en matière électorale présidentielle ont commis une faute disciplinaire lourde imposant leur exclusion de la magistrature, ainsi que l'infraction pénale d'usurpation de la fonction.

Mots clés: Cour constitutionnelle. Juge électoral présidentiel. Arrêt. Arrêté. Contrôle de validité. Compétence des tribunaux judiciaires. Inexistence juridique. Faute disciplinaire.

Cristian Nuică, A common objective: protecting the institutional and functional status of the National Council for Combating Discrimination, a condition for protecting the right to equal opportunities and non-discrimination on the territory Romania

Abstract: This article serves as a public manifesto addressed to Romania's governing authorities, justified by a political context that signals potential measures which could undermine the functionality of institutions essential for safeguarding democracy and human rights in Romania— such as the National Council for Combating Discrimination (NCCD).

In this context, the author of the article seeks to raise awareness and stimulate public response—both among political decision-makers and members of the civil society willing to stand in solidarity with this message. To this end, the article appeals to legal and social arguments highlighting the urgent need to protect and strengthen

Romania's most important and efficient institution for guaranteeing human rights under conditions of equality and non-discrimination, the National Council for Combating Discrimination.

Finally, in the event the existence or functioning of the NCCD is affected, the author draws attention to a double risk: to the state, which could bear the consequences of infringement proceedings against Romania, and to Romanian society, which would be deprived of the existence and expertise of the institution guaranteeing and protecting human rights under conditions of equality and non-discrimination on the territory of Romania.

Keywords: National Council for Combating Discrimination, European Commission, Council of Europe, non-discrimination, political decision-makers, civil society.

Liliana Ene, Synthesis of National Council for Combating Discrimination case law. Race and ethnicity criteria – 2016 (I)

Abstract: The article summarizes discrimination cases based on race and ethnicity ruled on by NCCD in 2016. This first part examines 24 decisions issued by the NCCD's Board of Directors between 13 January and 15 June 2016, excluding complaints deemed incomplete or those withdrawn by the complainant. Each case is presented in a concise format, focusing on the factual context, a brief legal analysis, and the final decision. The article focuses on unfavorable treatment of a racial or ethnic nature, excluding mere verbal or written expressions. This synthesis offers a clear overview of how the NCCD exercised its material competence in assessing and sanctioning acts of discrimination.

Keywords: racial criteria, ethnic criteria, differential treatment, discriminatory acts, NCCD