

# I. INTERNATIONAL EVENTS (JANUARY-JUNE 2021)<sup>1</sup>

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## 1. The Global Summit organized during the International Forum on the Future of Constitutionalism (THE INTERNATIONAL FORUM ON THE FUTURE OF CONSTITUTIONALISM) (12-16 January 2021)

Organized under the coordination of Professor Richard ALBERT (Director of Constitutional Studies at the University of Texas at Austin, founder and director of the International Forum for the Future of Constitutionalism), together with an international team composed of Antonia Baraggia, University of Milan (Italy), Catarina Santos Botelho, Universidade Católica Portuguesa (Portugal), Hui-Wen Chen, University of Warwick (UK), Cristina Fasone, LUISS University (Rome), Daniel Wunder Hachem, Pontificia Universidade Católica do Paraná and Universidade Federal do Paraná (Brazil) and Yaniv Roznai, Harry Radzyner Law School, Interdisciplinary Center (IDC) Herzliya (Israel), The Global Summit was the first multilingual meeting of this kind designed to provide an opportunity to present ideas in all areas of constitutionalism, to engage researchers and practitioners, and those interested, in a constructive dialogue on constitutional law issues at the global level.

Held over five days, between 12-16 January 2021, the Global Summit was structured around 12 plenary lectures, 100 competing sessions (English, Portuguese, Chinese, Italian and French), and 3 special awards presentations. More than 400 speakers interacted in it, and more than 4.000 people attended the presentations, addressing various topics aimed at constitutional reforms, human rights, the architecture of Constitutional Courts, constitutional review developments, dialogue

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<sup>1</sup> Published in the Romanian language by *juridice.ro*, section *Constitutional news*, see <https://www.juridice.ro/715033/actualitati-constitutionale-January-2021-jurisprudenta-relevanta-a-curtii-constitutionale-a-romaniei-evenimente-internationale-publicatii.html>,

<https://www.juridice.ro/719516/actualitati-constitutionale-February-2021-jurisprudenta-relevanta-a-curtii-constitutionale-a-romaniei-evenimente-internationale-publicatii.html>,

<https://www.juridice.ro/729508/actualitati-constitutionale-April-2021-2021-jurisprudenta-relevanta-a-curtii-constitutionale-a-romaniei-evenimente-internationale-publicatii.html>,

<https://www.juridice.ro/733327/actualitati-constitutionale-Mai-2021-jurisprudenta-relevanta-a-curtii-constitutionale-a-romaniei-evenimente-internationale-publicatii.html>,

<https://www.juridice.ro/738447/actualitati-constitutionale-June-2021-jurisprudenta-relevanta-a-curtii-constitutionale-a-romaniei-evenimente-internationale-publicatii.html>.

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between Constitutional and International Courts, and constitutionalism compared on a multitude of levels.

*The closing session, given by Ran HIRSCHL, Professor of Political Studies at the University of Toronto, focused on a projection of topics relevant to constitutional studies for the next decade (CONSTITUTIONAL STUDIES FOR 2030).*

*In essence, the major themes of the future in this area, inherently related to social developments and general problems at the international level, are intended to be the following:*

- **The global South (in the sense of less “explored”/less visible areas in terms of constitutional developments – Central and South America, Africa, China, India, the Caribbean, compared to those in the north such as, for example, USA or European area);**
- **challenges related to environmental issues;**
- **the challenges of urbanization (determined by the expansion of urban agglomeration);**
- **global health challenges (the current pandemic already provides an overview of the many problems facing states in such a crisis situation);**
- **The challenges brought by the “New World Order”;**
- **The challenges brought by “Big Brother” phenomenon.**

A conclusion of the Global Summit is the need to develop studies of comparative constitutional law, vital for awareness and identification of solutions to fundamental problems that mark contemporary society, but also for an objective/correct understanding and framing of developments at national level. The idea has been launched and the debate is underway on how comparative constitutional law is reflected in university curricula. We believe that this is also a question for the Romanian university environment – would comparative constitutional law be necessary as a subject of study? In what form and at what stage?

## **2. The XVIII<sup>th</sup> Congress of the Conference of European Constitutional Courts (24-25 February 2021)<sup>3</sup> – Prague, Czech Republic**

**The theme of the Congress:** *“Human rights and fundamental freedoms: relations between international, supranational and national catalogues in the 21<sup>st</sup> century”.*

**The Conference of European Constitutional Courts<sup>3</sup> is an important framework for dialogue between constitutional bodies.** According to its Statute, it *“shall hold a Congress at regular intervals. It shall promote the exchange of information on the*

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<sup>3</sup> For a presentation, see M. Safta, I.N. Nistor, *Fișe de drept constituțional*, Hamangiu Publishing House, 2020.

*working methods and constitutional case law of member courts together with the exchange of opinions on institutional, structural and operational issues as regards public-law and constitutional jurisdiction. In addition, it shall take steps to enhance the independence of Constitutional Courts as an essential factor in guaranteeing and implementing democracy and the rule of law, in particular with a view to securing the protection of human rights. It shall support efforts to maintain regular contacts between the European Constitutional Courts and similar institutions” (Art. 3).*

**The Congress** takes place every 3 years; participants may be full members, associate members, observers among national or international courts, respectively regional and linguistic groups of constitutional courts, as well as other guests. The Presidency of the Conference (as well as of the “Circle of Presidents” – the central decision-making and initiative body composed of the presidents of the courts and institutions having full membership) is held by the President of the Court who organizes the next Congress, the same one who also provides the Secretariat of the Conference<sup>4</sup>.

On February 24-25, 2021, the XVIII<sup>th</sup> Congress of the Conference of European Constitutional Courts took place, hosted by the Constitutional Court of the Czech Republic. The theme of the Congress was *Human rights and fundamental freedoms: The relationship between international, supranational and national catalogs in the 21<sup>st</sup> century*. Given the restrictions caused by the pandemic, the Congress took place *online*<sup>5</sup>.

In his opening remarks, the host President of the Constitutional Court, Mr. Pavel Rychetský, stressed the importance of continuing the dialogue of the Constitutional Courts in this context and maintaining the tradition of organizing the Congress, even in the difficult conditions of this period. At the same time, he highlighted the difficulties, pressures and challenges faced by Constitutional Courts around the world and the importance of ensuring the independence of constitutional courts, stressing that they are irreplaceable in achieving the protection of fundamental rights and freedoms.

The proceedings of the Congress took place over four Sessions, as follows:

**The first session** – focusing on the Catalogues of Human Rights at National Level;

**The second session** – dedicated to the Application of the Catalogues of Human Rights at Supranational and International Level, with both a theoretical and a practical approach, from the perspective of the European Court of Human Rights and the Court of Justice of the European Union;

**The third session** – dedicated to human rights catalogues with reference to Particular Rights. In this respect, the questionnaires addressed to the participants concerned: the right to life, freedom of expression, religious freedom, the right to respect for privacy/the right to privacy, the prohibition of discrimination, the right to liberty;

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<sup>4</sup> Taken from [www.ccr.ro](http://www.ccr.ro) (The Fifteenth Congress of the Conference of European Constitutional Courts).

<sup>5</sup> See also <https://www.ccr.ro/relatii-externe>.

**The last session** was dedicated to the Summary and Presentation of the General Report, prepared on the basis of the National Reports submitted by the participants, including the answers to the questionnaire prepared by the organizers.

The articles of the Conference highlighted the role of constitutional courts, guarantors of the Constitution and its final interpreters, as well as the importance of the dynamics of constitutional interpretation with reference to the supranational and international plan on fundamental rights and freedoms. At the same time, the conference highlighted the relations of the constitutional courts with the European Court of Human Rights and the Court of Justice of the European Union, the instruments and dimensions of the dialogue within the constitutionalism on several levels that characterize the European space<sup>6</sup>.

### 3. The International Conference *FAMILY AND FAMILY HERITAGE, NATIONAL, EUROPEAN AND INTERNATIONAL LEGISLATIVE CHALLENGES AND PERSPECTIVES*, organized by “Titu Maiorescu” University – Faculty of Law, 13-14 May 2021

According to the conference presentation by the organizers, **the conference had as its main objective the focus of joint scientific effort on the issue of the family and the complex structure of the patrimonial and non-patrimonial rights and obligations it creates**. It was thus shown that “The history of the family influences its present, both in terms of issues related to continuity and those related to changes and breaks with tradition. Neither obsolete nor collapsing, the family today demonstrates its vitality and expressiveness, rich in acquired freedoms, but also fragile under the pressure of new challenges. The diversity of domestic, European and international law rules that are incidental to the family and its aspirations opens a vortex of **freedoms, powers, rights and obligations in the domestic and European regulation of the family generating legal conflicts and confluences**, which invites us from behind the scenes of scientific research to explore them”<sup>7</sup>. At the same time, “in a world where legal systems are increasingly interfering and legal experience is constantly evolving”<sup>8</sup>, an analysis of the “doctrinal foundations” was wanted, as well as the identification of “adequate practice solutions” was sought<sup>9</sup>.

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<sup>6</sup> See [https://www.echr.coe.int/Documents/SCN\\_2020\\_ENG.pdf](https://www.echr.coe.int/Documents/SCN_2020_ENG.pdf) – Superior Courts Network; [https://curia.europa.eu/jcms/jcms/p1\\_2170125/ro](https://curia.europa.eu/jcms/jcms/p1_2170125/ro) – The EU Judicial Network.

<sup>7</sup> <https://www.utm.ro/conferinta-internationala-cu-tema-familia-si-patrimoniu-familial-provocari-si-perspective-legislative-nationale-europene-si-internationale/?fbclid=IwAR1m7VPP8AxY0PSqCNvCQVq6uwSLMdaV5Sm5rXpiuVwZOk9SpcQo803G4SU>.

<sup>8</sup> *Idem*.

<sup>9</sup> *Idem*.

The diversity of topics addressed in the four sections of the Conference, of great interest for this field which, through its complexity, encompasses all branches of law, demonstrates that the event has achieved the proposed objectives. In Section A, where I had the pleasure to participate, the presentations and debates highlighted aspects of comparative law regarding the constitutional and legal consecration of the family, national and international jurisprudential developments, ongoing reforms in this field, specific issues aimed at applying the principle of equality between spouses, child protection, protection of the elderly, domestic violence and the challenges posed by the pandemic crisis to the family.

The papers of the Conference will be published in a volume that will certainly be an important source of documentation for those interested in the issue addressed.

#### **4. The International Conference *CONTEMPORARY CHALLENGES IN ADMINISTRATIVE LAW FROM AN INTERDISCIPLINARY PERSPECTIVE* organized by the Faculty of Law of the Academy of Economic Studies and the Society of Legal and Administrative Sciences, on May 21, 2021**

According to the presentation of the organizers, the Conference, in its fourth edition, "is a platform for debate that examines recent developments and prospects for development of administrative law and public administration at national, European and international level"<sup>10</sup>, encouraging "presentation both of the scientific papers of international interest covering the comparative public administration, the European Administrative Space, the administrative law developed by public international organizations, the need for interdisciplinary approach to public administration and globalization of the administrative phenomenon, as also the scientific papers to highlight the particularities of the national public administration"<sup>11</sup>.

The proceedings of the Conference, which I also had the pleasure of attending, brought together very diverse and very current topics of administrative and constitutional law. We consider remarkable the very significant component of comparative law, both in terms of the content of the papers presented and the actual presence in the Conference, easy to see even from its program, displayed on the host page, where you can find summaries of papers submitted<sup>12</sup>.

All the papers presented will be found in one of the Conference's publications<sup>13</sup>, also constituting a significant documentary resource and, as I pointed out, of comparative law in the matter.

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<sup>10</sup> [http://www.alpaconference.ro/?fbclid=IwAR3DxdWUHRoVcqsVPFGtRy\\_h5JqU6L4YVUePQpfDudouqAbhiffJxZLRo](http://www.alpaconference.ro/?fbclid=IwAR3DxdWUHRoVcqsVPFGtRy_h5JqU6L4YVUePQpfDudouqAbhiffJxZLRo).

<sup>11</sup> *Idem*.

<sup>12</sup> <http://www.alpaconference.ro/Section%20I.%20Scientific%20papers.pdf>; <http://www.alpaconference.ro/Section%20II.%20Scientific%20papers.pdf>.

<sup>13</sup> <http://www.alpaconference.ro/publicatii.html>.

## 5. THE FORUM OF THE SUPERIOR COURT NETWORK WITHIN THE EUROPEAN COURT OF HUMAN RIGHTS (Superior Court Network – SCN)

The Forum of the Superior Court Network within the European Court of Human Rights (Superior Court Network – SCN) was held on June 11, 2021, with the theme *Case management and coherence of case law: national perspectives and perspectives of the European Court of Human Rights. A meeting of the corresponding agents of the Judicial Network of the European Union took place in the same month.*

According to the presentation made on the website of the European Court of Human Rights<sup>14</sup>, the idea of SCN – Superior Court Network started from the la belief that the application of the Convention would be assisted by a more structured and effective dialogue between this Court and the superior courts. The Declaration of March 2015, following the Brussels Conference, welcomed “the Court’s dialogue with the highest national courts and the setting-up of a network facilitating information exchange on its judgments and decisions with national courts” and invited the Court to deepen this dialogue further. The Network was launched on 5 October 2015 and includes representatives of 93 national courts/superior courts from 40 states, including the Constitutional Court of Romania.

According to the same presentation, available on the ECHR website<sup>15</sup>, The Strasbourg Court has developed a dedicated website to facilitate the exchanges with member courts, access to which is restricted to the Strasbourg and superior court members (“the SCN Intranet”). Within this space, the member superior courts have privileged access to material not in the public domain such as the Jurisconsult’s analytical notes on new decisions and judgments, a weekly selection of notable decisions and judgments by the Directorate of the Jurisconsult as well as research reports on a range of Convention subjects drafted under the supervision of the Jurisconsult. The member courts actively disseminate that information in-house, in compliance with the SCN’s Operational Rules. Beyond such regular exchanges, the member courts can also ask the Registry of the Court specific questions on Convention case law, responses to which are provided by the Jurisconsult. These replies are the Jurisconsult’s sole responsibility and are not binding on the Court in its judicial activity. Through this exchange of experience and information on legislation and case law, the SCN contributes significantly to the enrichment of the dialogue between the European court and the higher national courts.

Regarding the Judicial Network of the European Union, I commented on its creation and importance in the article published in the Journal of Constitutional Law no. 1/2020 – *Constituționalizarea actului de justiție în Uniunea Europeană*

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<sup>14</sup> [https://echr.coe.int/Documents/SCN\\_Introduction\\_Network\\_June2018\\_ENG.pdf](https://echr.coe.int/Documents/SCN_Introduction_Network_June2018_ENG.pdf).

<sup>15</sup> *Idem*.

(*Constitutionalizing the Act of Justice in the European Union*)<sup>16</sup>, presented at a Conference held in 2019. I pointed out, among other things, that this is the initiative taken by the CJEU and the Supreme and Constitutional Courts of the Member States at the Magistrates' Forum organized by the CJEU in March 2017 in Luxembourg. The European Union Judicial Network is basically an *online* platform designed to promote and facilitate the flow of information between all these courts. The new instrument is intended to increase mutual understanding between legal systems and their own approaches to resolving legal issues – including constitutional issues – and thus to increase coherence and convergence in the future development of the EU legal order<sup>17</sup>. It is intended as a partner network for the other European networks, a website that works on a collaborative basis, with power being provided voluntarily by the CJEU and the participating courts. As a European network, we believe that the liaison of the Venice Commission should also be mentioned, which we have presented, even as an agent, on several occasions, perhaps the most significant work being the Dialogue of Constitutional Judges<sup>18</sup>.

The SCN Forum marked the 5th annual meeting of contacts in the SCN network. It was opened by the President of the ECHR, Robert Spano, who particularly appreciated the efficiency of the SCN activity. The discussions held during the meeting mainly concerned how to manage cases pending with the ECHR; the development of digital tools and communication with the members of the Network to ensure the sustainability of the Convention system, the unity and consistency of case law, each of the national judges being, in the sense of the principle of subsidiarity, a judge of the Strasbourg court. In the context of emphasizing the need to identify new digital solutions at the level of the members of the Network as well, examples of good practice were presented at the level of national higher courts. Aspects of the interpretation and application of the Convention for the Protection of Fundamental Rights and Freedoms at national level were also discussed, and further developments targeted by the ECHR were foreseen in order to strengthen the principle of subsidiarity<sup>19</sup>.

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<sup>16</sup> <https://www.revistadedreptconstitutional.ro/rdc-nr-1-2020>.

<sup>17</sup> K. Lenaerts, *The role of national constitutions in European Union law. From common values to mutual trust and constructive dialogue*, in the Romanian Journal of European Law no. 2 of 30 June 2018.

<sup>18</sup> Universul Juridic Publishing House, 2016.

<sup>19</sup> Press release, Constitutional Court of Romania, <https://www.ccr.ro/11-June-2021>.