



Activity Report

2021

JUDICIAL STUDIES INSTITUTE

Masaryk University
Brno



Foreword



Dear colleagues,

The Judicial Studies Institute (JUSTIN) has reached two core achievements in 2021, and we would like to look back and share them with you.

In the summer we have finished our project *“The Rise of Judicial Self-Government: Changing the Architecture of Separation of Powers without an Architect”* (JUDI-ARCH 2016-2021, funded by the ERC), which focused on the ever-growing role of judicial councils and other forms of judicial self-government in a globalising legal order.

In September, we started a new project *“Informal Judicial Institutions: Invisible Determinants of Democratic Decay”* (INFINITY, 2021-2026, founded by ERC), which aims to explore the effect of the informal judicial institutions on the quality of democracy, asking to what extent they open the door to democratic decay and how they help to build institutional democratic resilience.

The JUSTIN team has expanded with new members in 2021. We welcomed on the board four new researchers, Lukáš Hamřík, Etienne Hanelt, Mathieu Leloup, and Atilla Vincze, as well as a new project administrator Petra Pichaničová. We are also very happy and proud to see our former colleagues who helped to build JUSTIN thriving in new project endeavours, while staying affiliated to JUSTIN as Senior Fellows. Simone Benvenuti now holds a position of a Professor at Roma Tre. Tereza Papoušková is a Law Clerk to the Justice at the Constitutional Court of the Czech Republic. Jan Petrov moved to the University of Oxford, Queen’s College, as a Junior Research Fellow in Law, and Nino Tsereteli started as a research officer at the Democracy Reporting International (DRI) research group, focusing on the democratic governance and elections.

We did well in publishing. We successfully transplanted a new format into Czech law journals - the book symposia in which judges, scholars and practitioners critically engage with the two monographs of JUSTIN members, further advancing the domestic debate in respective fields. We have also published in prestigious journals such as [European Constitutional Law Review](#); [Europe-Asia Studies](#); [International Journal of Human Rights](#); [Hague Journal on the Rule of Law](#); or [European Journal of Migration and Law](#). In addition, we presented our research at various international and domestic research fora, such as the Conference on the Future of Europe, ICON-S Mundo, ECPR, British Institute of International and Comparative Law, International Institute of Political Science of Masaryk University or European University Institute.

Right now, the first phase of the INFINITY project is in full swing, and right in the autumn, we are preparing a workshop for the international experts who are working with us on informal judicial institutions.

Kind regards,

David Kosař & Katarína Šipulová

Co-Directors of JUSTIN

June 2022

2021 Highlights

AUGUST:

The end of JUDI-ARCH project

During the year 2021 we successfully finalised JUDI-ARCH project. In April, we organised the JUDI-ARCH final conference, “*Changing the Architecture of Separation of Powers without an Architect*”. The speakers included top scholars in comparative public law and political science, such as Rosalind Dixon, Mark Tushnet, Michaela Hailbronner, Tom Ginsburg, Tarunabh Khaitan and practitioners such as Lech Garlicki (ECtHR judge emeritus) and Elena Griglio (Senior Parliamentary Official of the Italian Senate). Besides the distinguished guests, also JUSTIN members took a part and presented the main findings of the JUDI-ARCH Project. In this regard, Jan Petrov talked about elites’ perceptions of judicial self-governance in the Czech Republic and Germany, two jurisdictions without judicial councils. Adam Blisa and Samuel Spáč focused on judicial self-governance as perceived by the elites in Italy and Slovakia, and Nino Tsereteli’s presentation looked at Poland and France. Katarína Šipulová delivered a presentation on ‘Reconceptualising court-packing’ and David Kosař spoke about judicial councils as fourth branch institutions.



The JUDI_ARCH final conference, 21.-22. April 2021

The project led to multiple significant publications advancing the field and research on judicial self-governance. First, the 2018 Special Issue on [Judicial Self-Governance in Europe](#), published in *German law Journal*, provided a comprehensive comparative account of major JSG models and their effects on European judiciaries. The special issue made a considerable impact in terms of readership both within the research field and in practice, being referred to

in Opinions of the Advocate General of the CJEU in cases addressing the Polish constitutional crisis. Second, the project addressed the increasing importance and agencification of other actors of judicial governance, such as court presidents (See Kosař and Spáč 2021 ; or Kosař and Blisa, 2018), but also directors of courts, judicial associations and other regulatory bodies. Accordingly, we have refocused our attention from institutional models of judicial governance to understanding the JSG as a complex set of competences shared by judges and other political actors. This set of competences is reflected in the de jure JSG index constructed by the JUDI-ARCH team (Šipulová et al. 2022). Third, the JUDI-ARCH project integrated critical up-to-date challenges such as the rise of populism, abusive constitutionalism, court-packing and the COVID-19 pandemic through the prism of judicial self-governance and the separation of powers. For example, our researchers: (a) provided important explanations of how rising populism challenges the authority of domestic and supranational courts (Petrov, 2020); (b) mapped the global practice of court-packing, conceptualised it and proposed strategies how to fight it (Kosař and Šipulová, 2020); (c) explored patterns in which judges react to interferences in their independence (Šipulová, 2021); or (d) provided a first-ever theory of how the other branches of power should react during the times of COVID-19 emergency governance (Petrov, 2020). You can find a comprehensive overview of research and publication results in the [Synthesis Report](#).

New members and team achievements:

JUSTIN's expertise has strengthened last year. Compared to the beginning of the Institute, when the majority of members were PhD students, the Institute now brings together senior academics with a range of national and international experience. Last year we welcomed five new JUSTIN members. **Etienne Hanelt**, junior JUSTIN researcher and a DPhil candidate at the University of Oxford. Etienne's research interest focuses on EU responses to Hungarian and Polish democratic backsliding as well as the two governments' efforts to reduce the costs of autocratisation. Another newcomer is **Mathieu Leloup**, a postdoctoral researcher at JUSTIN and an assistant professor in constitutional and administrative law at University of Antwerp. His main interests lie in fundamental rights law and constitutional law, focusing on issues of separation of powers and judicial independence. The new colleague is also **Attila Vincze**, an assistant professor at Masaryk University. His focus is on German law, European law and British public law. **Lukáš Hamřík** joined the team as an assistant professor, and his focus is on personalisation of politics at the EU level, EU institutions, governance and democracy, EP elections and electoral behaviour. The position of the administrator is now held by **Petra Pichaničová**. She is also PhD student in Media and journalism studies at the Masaryk University. Finally, since David Kosař became the Head of the Department of Constitutional Law and Political Science, Katarína Šipulová stepped in as his co-director, jointly continuing in leading JUSTIN.

Research at JUSTIN currently concerns informal institutions, judicial corruption, court-packing, judicial independence, judicial accountability, public confidence in courts and judges, transparency of the judiciary, legitimacy of courts, legislative responses to the Strasbourg case law, citation analysis, and domestic compliance with decisions of the European Court of Human Rights and UN human rights bodies.

We are also proud to note that several JUSTIN members succeeded in obtaining prestigious research awards and grants. Samuel Spáč was awarded a 4-year grant by the Slovak Research and Development Agency for project REDEMP – “Resisting Democratic Backsliding: Slovakia's Preparedness for Defense Against Attacks on Democracy”. The project aims to assess the role of context and historical experience with authoritarian and semi-authoritarian regimes in preparedness of Slovak accountability actors to face systematic democratic backsliding efforts. Madalina Moraru won the JUNIOR STAR tender with the project REFORM - “*The Role of Courts in Shaping Migrants' Rights*” funded by Masaryk University and its Research Support Programme MUNI Award in Science and Humanities JUNIOR. It advances a breakthrough research vision of systematically and coherently analysing the role played by domestic and supranational courts in the global migration governance. David Kosař, was awarded a “*Masaryk University Rector's Award for Extraordinary Achievement in the International Grant Competition*” at the annual DIES ACADEMICUS ceremony. And Marína Urbániková received funding from the Czech Science Foundation for her project “Rethinking the Role of Czech Public Service Media: Expectations, Challenges, and Opportunities”. Her project builds on the international discussion about the changing position of Public Service Media and it examines, in the context of these changes, how Czech society evaluates the current functioning of this media.

SEPTEMBER:

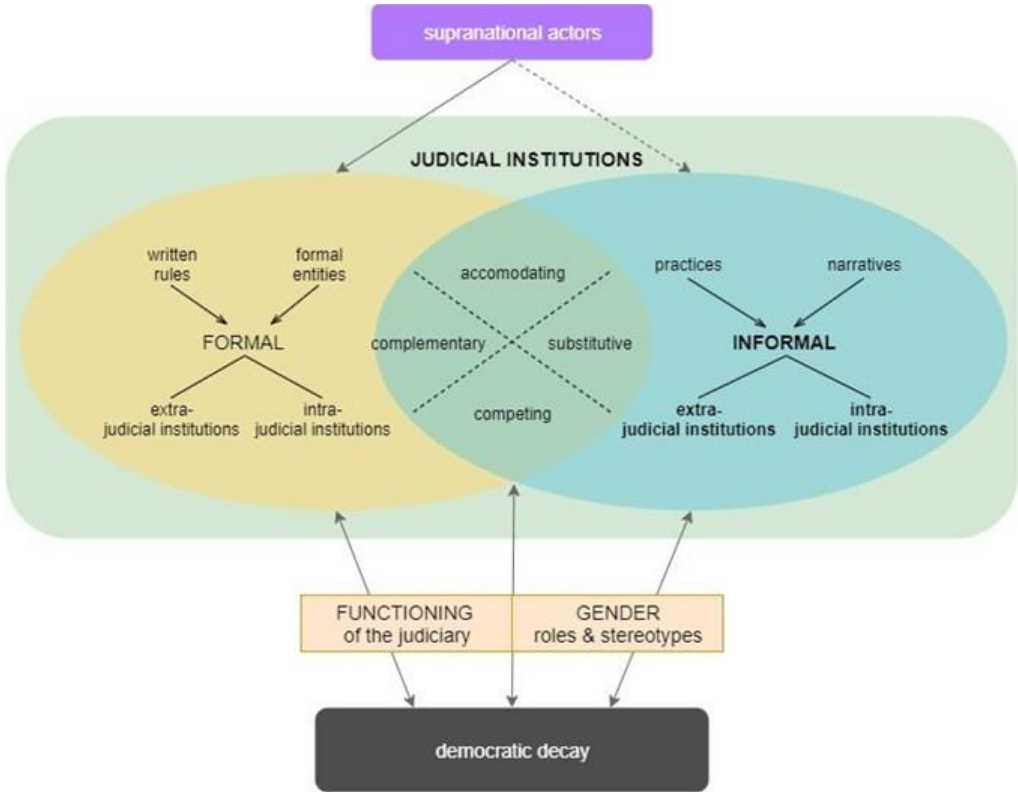
Start of new project INFINITY

Last year JUSTIN started new **project INFINITY** - “*Informal Judicial Institutions: Invisible Determinants of Democratic Decay*”, funded by a European Research Council (ERC, Consolidator Grant, 2021-2026). The principal investigator of the project is David Kosař. INFINITY aims to explore the effect of informal judicial institutions on the quality of democracy.

Mainstream literature on courts focuses on formal rules. Yet informal judicial institutions, ranging from bureaucratic norms to clientelism, often shape judicial performance strongly. These institutions may even facilitate democratic decay. For example, various “gentlemen’s pacts” between judicial associations may substitute formal rules governing the selection of judges, entrenching patronage and vertical gender segregation. Politically savvy

chief justice can tweak the formal rules and forge alliances with politicians. For instance, judges may team up with journalists and mobilise the public to defend the judiciary. Recent literature has acknowledged these phenomena. However, the range of informal intra-judicial and extra-judicial institutions and their effects are not yet fully understood, as the traditional doctrinal and normative scholarship is not able to capture them.

INFINITY builds on a comparative legal perspective combined with sociological and political science approaches. It consists of 4 interrelated **research aims**: The first aim is to identify the most important informal judicial institutions in 16 European jurisdictions. The second aim is to assess their impact, positive or negative, on the domestic judiciaries, including their gender aspects. The third aim is to analyse the supranational influence of the EU and CoE on informal judicial institutions. The fourth overarching aim is to synthesize previous findings on the dynamics of informal judicial institutions into an overarching theory on the role of informal judicial institutions in democratic decay.



Model INFINITY

JUSTIN events

In addition to the JUDI-ARCH final conference, we also organised other events last year. Together with the Department of Constitutional Law and Political Sciences, we broadcasted an [online discussion](#) on the topic of the most unfair judgments, where David Kosař and Kateřina Šimáčková, new judge of the European Court of Human Rights for the Czech Republic jointly discussed. We organised research seminars as we try to stay in touch with the broader academic and expert

community and establish new collaborations, we also frequently invite external experts. Last year we hosted Maria Popova (McGill University) with her paper on professional role conceptions of judges. Jakub Drápal (Charles University) presented his work on the role of authority in criminal sentencing



Online discussion, David Kosař & Kateřina Šimáčková, 9. December 2021

in Czech Republic and the role of

judicial experience in reducing sentencing disparity and how it influences judicial decisions. Bríd Ní Ghráinne (Maynooth University) and Ben Hudson (University of Exeter) introduced their research on the International Organization for Migration's Engagement with the Guiding Principles on Internal Displacement.

JUSTIN and media visibility

Our scientists actively present their work in the media and are often invited to television, radio and newspapers as professional commentators. David Kosař presented the new research project INFINITY in an interview to the Czech radio (Studio Leonardo talk show). He also talked about [becoming an ERC researcher](#) with the Czech online portal Věda a výzkum (Science and research). Furthermore, he commented on various constitutional and political issues, including the transparency and the right to information about the president's Zeman health and conditions for stripping the president of his powers. He was quoted not only in [Slovak](#) and [Czech](#) press but also in [The British Independent](#). Marína Urbániková was one of the guests in the discussion of the [Slovak podcast EURACTIV](#) about a new report on the Rule of Law, published by European Commission. Samuel Spáč was a guest in the [Slovak radio talk show](#), discussing the role of justice in the Slovak judiciary and the communication of judicial decisions and its accessibility to the media and public. Attila Vincze gave an interview in the

online [Hungarian financial newspaper Portfolio](#) on the effects of the decision of the Polish Constitutional Court denying the primacy of EU law.

Future plans:

Workshop with experts in autumn 2022

For the next step of the research project INFINITY, we are moving towards the organisation of a research workshop. We have managed to put together an impressive list of authors covering individual jurisdictions and cross-cutting topics, and we strongly believe this endeavour would lead to a ground-breaking special issue.

2021 in Focus

November 25: Conference 'Separation of Powers', Masaryk University and Konrad-Adenauer-Stiftung, Online event.

- *Katarína Šipulová* - "Čtvrtá moc a nezávislost soudnictví (Tři pohledy na správu soudnictví v kontextu dělby moci)"
- *David Kosař* - "Vliv judikatury ESLP na vnitrostátní dělbu moci"

September 9: Conference 'The New Pact on Migration and Asylum: Dead or alive', Odysseus Academic Network and the Royal Institute of International Relations.

- *Madalina Moraru* - "The EU Pact on Asylum and Migration: the added value and shortcomings on the return border procedure"

September 8: Webinar 'The future of Judiciaries in Europe and Beyond', British Institute of International and Comparative Law, Online event.

- *David Kosař* - "The future of Judiciaries in Europe and Beyond"

30 August – 3 September: ECPR General Conference, Panel 'Judicial dialogue among inter- and supranational courts', Online Event.

- *Madalina Moraru and Galina Cornelisse* - "European Courts and judicial dialogue disentangling the refugee crisis: What scope for asylum seekers, refugees and irregular migrants' rights?"

July 6-9: ICON-S Mundo conference, Online event.

- *David Kosař* - "Theorizing Judicial Councils as Fourth Branch Institutions: The Best Defence Against Capture?"
- *Katarína Šipulová* - "Triple Understanding of Judicial Councils"
- *Jan Petrov* - "Is Resistance Futile? Countering Democratic Decay the Judicial Way"
- *Ondřej Kadlec* - "Grand Chambers: A Conceptual Analysis"

June 17-18: Workshop 'Accountability and Freedom of Expression of Magistrates and Attorneys in Europe', Centre for Judicial Cooperation EUJ, Online event.

- *David Kosař* - "The Heterogeneous Systems of Accountability of Magistrates in Europe: Accountability to Whom, For What and in Which Way?"
- *Madalina Moraru* - "Presentation of the E-learning Materials on Accountability of Magistrates and Attorneys"

April 21-22: JUDI-ARCH Final Conference 'Changing the Architecture of Separation of Powers without an Architect', Virtual event.

- *David Kosař* - "Judicial Councils: Loudspeakers of Judges or Fourth Branch Institutions?"
- *Katarína Šipulová* - "Reconceptualising court-packing: The Riddle of (il)Legitimacy"
- *Nino Tsereteli* - "Elites' Perspectives on Moderate Judicial Councils (France and Poland)"

- *Adam Blisa and Samuel Spáč* - "The Councils Are All Right: Perceptions of Judicial Self-Governance in Italy and Slovakia"
- *Jan Petrov* - "Judicial Selfgovernance without a Judicial Council: Germany and the Czech Republic"

2021 Publications of JUSTIN members:

Eberle, Jakub, Hubert Smekal, Petr Ocelík and Oldřich Krpec. 2021. "Political science in Central and Eastern Europe: integration with limited convergence in Czechia". *European Political Science*, Vol. 20, No. 1, pp. 183–203, <https://doi.org/10.1057/s41304-020-00311-9>.

Hamřík, Lukáš. 2021. "Is there any 'Price' for Making Individual EU Politicians more Important? The Personalisation of Politics in the European Commission". *Journal of European Integration*, Vol. 43, No. 4, pp. 403–420, <https://doi.org/10.1080/07036337.2020.1784154>.

Havelková, Barbara, Kosař, David and Marína Urbániková. 2021. "The Family Friendliness That Wasn't: Access, but Not Progress, for Women in the Czech Judiciary". *Law & Social Inquiry*, pp. 1-31, first view available at: <https://www.doi.org/10.1017/lsi.2021.62>.

Chronowski, Nóra and Attila Vincze. 2021. "The Hungarian Constitutional Court and the Central European University Case: Justice Delayed is Justice Denied Decision of the Hungarian Constitutional Court of 6 July 2021 and the Judgment of the ECJ of 6 October 2020, Case C-66/18". *European Constitutional Law Review*, Vol. 17, No. 4, pp. 688–706, <https://doi.org/10.1017/S1574019621000407>.

Kadlec, Ondřej. 2021. "Reakce autora: Sjednocování ano! Ale čeho, kým a jak? [Author's Rejoinder: Unification? Absolutely! But of what, by whom, and in which way]". *Jurisprudence*, No. 5, pp. 35–47.

Kosař, David. 2021. "Velké senáty – neviditelní tvůrci práva [Grand Chambers – Invisible Lawmakers]". *Jurisprudence*, No. 5, pp. 1–5.

Kosař, David and Ladislav Vyhnánek. 2021. *The Constitution of Czechia: A Contextual Analysis*. Oxford: Hart Publishing.

Kosař, David and Samuel Spáč. 2021. "Post-communist Chief Justices in Slovakia: From Transmission Belts to Semi-autonomous Actors?" *Hague Journal on the Rule of Law*, Vol. 13, No. 1, pp. 107–142, <https://doi.org/10.1007/s40803-021-00150-w>.

Kovanič, Martin and Samuel Spáč. 2021. "Konceptie súkromia v digitálnej ére [Concepts of privacy in the digital era]". In: *Neustále pod dohľadom? Politika osobných údajov na Slovensku*, eds. Láštic, Erik and Martin Kovanič, pp. 119–134. Bratislava: Univerzita Komenského.

Kovanič, Martin and Samuel Spáč. 2021. "Mechanizmy masového sledovania a vnímanie miery ich zásahu do súkromia [Mass surveillance mechanisms and the perception of its extent

invasion in the privacy]”. In: *Neustále pod dohľadom? Politika osobných údajov na Slovensku*, eds. Láštic, Erik and Martin Kovanič, pp. 135-148. Bratislava: Univerzita Komenského.

Leloup, Mathieu. 2021. “Who Safeguards the Guardians? A Subjective Right of Judges to their Independence under Article 6(1) ECHR”. *European Constitutional Law Review*, Vol. 17, No. 3, pp. 394–421, <https://doi.org/10.1017/S1574019621000286>.

Leloup, Mathieu, Dimitry Kochenov and Aleksejs Dimitrovs. 2021. “Opening the Door to Solving the “Copenhagen Dilemma”? All Eyes on Republika v IlPrim Ministru”. *European Law Review*, No. 5, pp. 692–703.

Loebl, Zbyněk, Pavel Loutocký, Martin Maisner, Michal Matějka, Radim Polčák and Marína Urbániková. 2021. *Online soudnictví v České republice [Online Justice in the Czech Republic]*. Prague: Wolters Kluwer.

Moraru, Madalina. 2021. “The EU Fundamental Right to Asylum: in Search of its Legal Meaning and Effects”. In *Fundamental Rights in the EU Area of Freedom, Security and Justice*, edited by Sara Iglesias and Maribel Pascual. Cambridge: Cambridge University Press, pp. 139–158, <https://doi.org/10.1017/9781108769006.010>.

Moraru, Madalina. 2021. “Effective consular protection of unrepresented EU citizens in third countries during the COVID-19 pandemic: law and policy” *GLOBALCIT Policy Briefs*, 2021/54, European University Institute Research Repository, available online at: <https://hdl.handle.net/1814/73107>.

Moraru, Madalina and Linda Janků. 2021. “Czech Litigation on Systematic Detention of Asylum Seekers: Ripple Effects across Europe”. *European Journal of Migration and Law*, Vol. 23, No. 3, pp. 284–307, <https://doi.org/10.1163/15718166-12340103>.

Ní Ghráinne, Bríd. “Internal Protection Alternative”. 2021. In *Oxford Handbook on International Refugee Law*, edited by Cathryn Costello, Michelle Foster and Jane McAdam. Oxford: Oxford University Press.

Osula, Anna Maria, Bríd Ní Ghráinne, David Kosař et al. 2021. *Cybersecurity Law Casebook*. Brno: Masaryk University.

Petrov, Jan. 2021. “(De-) judicialisation of politics in the era of populism: lessons from Central and Eastern Europe”. *The International Journal of Human Rights*, pp. 1–26, first view available at: <https://doi.org/10.1080/13642987.2021.1931138>.

Petrov, Jan. 2021. “When Should International Courts Intervene? How Populism, Democratic Decay and Crisis of Liberal Internationalism Complicate Things: Shai Dothan. International Judicial Review: When Should International Courts Intervene? Cambridge: CUP”. *European Journal of International Law*, Vol. 32, No. 4, pp. 1509–1533, <https://doi.org/10.1093/ejil/chab104>.

Petrov, Jan, Katarína Šipulová, David Kosař, Hubert Smekal and Ladislav Vyhnánek. 2021. "Beyond Compliance: odpověď autorů [Beyond Compliance: A Rejoinder]". *Časopis pro právní vědu a praxi [Journal of Jurisprudence and Legal Practice]*, Vol. 29, No. 2, pp. 413–425, <https://doi.org/10.5817/CPVP2021-2-12>.

Smekal, Hubert, Jaroslav Benák and Ladislav Vyhnánek. 2021. "Through selective activism towards greater resilience: the Czech Constitutional Court's interventions into high politics in the age of populism". *International Journal of Human Rights*, pp. 1–22, first view available at: <http://dx.doi.org/10.1080/13642987.2021.2003337>.

Smekal, Hubert, Jaroslav Benák et al. 2021. *Mimoprávní vlivy na rozhodování českého Ústavního soudu [Extralegal Influences on the Decision-Making of the Czech Constitutional Court]*. Brno: Masaryk University.

Smekal, Hubert and Nino Tsereteli. 2021. "Reforming to Please: A Comprehensive Explanation for Non-Exit from the European Court of Human Rights". *European Constitutional Law Review*, Vol. 17, No. 4, pp. 664–687, <http://dx.doi.org/10.1017/S1574019621000377>.

Šipulová, Katarína. 2021. "Under Pressure: Building Judicial Resistance to Political Interferences". In *The Courts and the People: Friend or Foe?*, edited by Denis Galligan. Oxford, Hart, pp. 153–170, <http://dx.doi.org/10.5040/9781509940332.ch-008>.

Šipulová, Katarína and Hubert Smekal. 2021. "Between Human Rights and Transitional Justice: Constitutional Courts' Dilemma in Post-Communist Central Europe". *Europe-Asia Studies*, Vol. 73, No. 1, pp. 101–130, <https://doi.org/10.1080/09668136.2020.1841739>.

Šipulová, Katarína, Marína Urbániková and David Kosař. 2021. "Nekonečný příběh Nejvyšší rady soudnictví: Kdo ji chce a proč ji pořád nemáme? [The Neverending Story of the Council for the Judiciary: Who Wants It and Why We Do Not Have It?]". *Časopis pro právní vědu a praxi [Journal of Jurisprudence and Legal Practice]*, Vol. 24, No. 1, pp. 87–122, <https://doi.org/10.5817/CPVP2021-1-4>.

Urbániková, Marína. 2021. "Resisting Perceived Interference in Journalistic Autonomy: The Study of Public Service Media in Slovakia". *Media and Communication*, Vol. 9, No. 4, pp. 93–103, <https://doi.org/10.17645/mac.v9i4.4204>.

Urbániková, Marína and Lenka Haniková. 2021. "Coping with the Murder: The Impact of Ján Kuciak's Assassination on Slovak Investigative Journalists". *Journalism Practice*, pp. 1–21, early view available at: <https://doi.org/10.1080/17512786.2021.1877179>.

Vincze, Attila. 2021. "Shaping Presidential Powers in Hungary: Convention, Tradition and Informal Constitutional Amendments". *Review of Central and East European Law*, Vol. 46, Nos. 3–4, pp. 307–320, <https://doi.org/10.1163/15730352-bja10057>.

Already published in 2022

Casarosa, Federica and Madalina Moraru. 2022. "Judicial Interactions in Action – A Tool for a More Powerful and Influential EU Charter of Fundamental Rights". In *The Practice of Judicial Interaction in the Field of Fundamental Rights: The Added Value of the Charter of Fundamental Rights of the EU*, edited by Federica Casarosa and Madalina Moraru. Cheltenham: Edward Elgar, 1-24.

Federico, Veronica, Madalina Moraru and Paola Pannia. 2022. "The Growing but Uneven Role of European Courts in (Im)migration Governance: A Comparative Perspective". *European Journal of Legal Studies*, Special Issue May 2022, pp. 1–20.

Hamřík, Lukáš and Petr Kaniok. "Who's in the Spotlight? The Personalisation of Politics in the European Parliament". *JCMS: Journal of Common Market Studies*, Vol. 60, No. 3, pp. 673–701, <https://doi.org/10.1111/jcms.13281>.

Kosař, David and Mathieu Leloup. 2022. "Saying Less is Sometimes More (even in Rule-of-Law Cases): Grzęda v Poland". *EULawLive*, 31 March 2022, available at: https://eulawlive.com/grzeda-v-poland-by-david-kosar-and-mathieu-leloup/?fbclid=IwAR3_8n61lcZLq0X5gxCBwnCHV2ccQmZgIIAjGtF7zSKQtj5MFaaOY-_Oh_A#.

Kosař, David and Katarína Šipulová. 2022. "The Ius ad Bellum and Ius in Bello of Court-Packing". *IACL-AIDC Blog*, 24 March 2022, available at: <https://blog-iacl-aidc.org/can-good-courtpacking-repair-democracy/2022/3/24/the-ius-ad-bellum-and-ius-in-bello-of-court-packing>.

Kovanič, Martin and Samuel Spáč. 2022. "Conceptions of Privacy in the Slovak Digital Era: Perceptions of Slovak Citizens", *Surveillance & Society*, Vol. 20, No. 2, pp. 186-201, <https://doi.org/10.24908/ss.v20i2.14099>.

Lutza, Fabian, Sergo Mananashvili and Madalina Moraru. 2022. "Return Directive". In *EU Immigration and Asylum Law: Article-by-article Commentary*, 3rd ed., edited by Kay Hailbronner and Daniel Thym. C.H.Beck, pp. 692–805.

Moraru, Madalina. 2022. "The Future Architecture of the EU's Return System Following the Pact on Asylum and Migration: Added Value and Shortcomings". In *Reforming the Common European Asylum System: Opportunities, Pitfalls, and Downsides of the Commission Proposals for a New 'Pact' on Migration and Asylum*, edited by Daniel Thym and Odysseus Academic Network. Baden-Baden: Nomos, pp. 187–208, <https://doi.org/10.5771/9783748931164>.

Moraru, Madalina. 2022. "The European Court of Justice Shaping the Right to Be Heard for Asylum Seekers, Returnees and Visa Applicants: An Exercise of Judicial Diplomacy". *European Journal of Legal Studies*, Special Issue May 2022, pp. 21–61.

Moraru, Madalina and Raluca Bercea. 2022. "The First Episode in the Romanian Rule of Law Saga: Joined Cases C-83/19, C-127/19, C-195/19, C-291/19, C-355/19 and C-397/19, Asociația 'Forumul Judecătorilor din România, and their follow-up at the national level". *European Constitutional Law Review*, Vol. 18, No. 1, pp. 82–113, <https://doi.org/10.1017/S1574019622000074>.

Moraru, Madalina and Federica Casarosa. 2022. *The Practice of Judicial Interaction in the Field of Fundamental Rights - The Added Value of the Charter of Fundamental Rights of the EU*. Cheltenham: Edward Elgar.

Moraru, Madalina and Marc Clement. 2022. "Judicial Interactions Upholding the Right to be Heard of Asylum Seekers, Returnees and Immigrants: the Symbiotic Protection of the EU Charter and General Principles of EU law". In *The Practice of Judicial Interaction in the Field of Fundamental Rights: The Added Value of the Charter of Fundamental Rights of the EU*, edited by Federica Casarosa and Madalina Moraru. Cheltenham: Edward Elgar, pp. 263 –287.

Šipulová, Katarína. 2022. "International law after the war in Ukraine: The crumbling cascade". Oxford Global Society, 19 May 2022, available at: <https://oxgs.org/international-law-after-the-war-in-ukraine-the-crumbling-cascade/?fbclid=IwAR34Tigpo2VyTpuqtnpNTAqclvNA1tiBU51iDTp6mEt7L1QvTCSfh6zxw34>.

Šipulová, Katarína, Samuel Spáč, David Kosař, Tereza Papoušková and Viktor Derka. 2021. "Judicial Self-Governance Index: Towards Better Understanding of the Role of Judges in Governing the Judiciary". *Regulation & Governance*, pp. 1–25, early view available at: <https://doi.org/10.1111/regg.12453>.

Vincze, Attila. 2022. "Unsere Gedanken sind Sprengstoff – Zum Vorrang des Europarechts in der Rechtsprechung des ungarischen Verfassungsgerichts". *Europäische GRUNDRECHTE-Zeitschrift*, Vol. 49, No. 1, pp. 13–21.

Forthcoming publications in 2022

Cornelisse Galina and Madalina Moraru. (March 2022). "Judicial Interactions on the Return Directive: Shifting Borders and the Constitutionalisation of Irregular Migration Governance". in *Special Issue of European Papers 'Migration and EU Borders: Foundations, Policy Change, and Administrative Governance'*, co-edited by Andrea Ott, Lilian Tsourdi and Zvezda Vankova.

Moraru, Madalina. 2021. "Consular Services and Policies for the Romanian Diaspora". In *Diaspora institutions and consular services: a comparative overview of EU-28 social protection infrastructure for nationals abroad*, edited by Jean-Michel Lafleur and Daniela Vintila. Routledge.

Ní Ghráinne, Bríd. 2022 (May). *Internally Displaced Persons and International Refugee Law*. Oxford: Oxford University Press, <https://global.oup.com/academic/product/internally-displaced-persons-and-international-refugee-law-9780198868446?cc=us&lang=en&>.

Tsereteli, Nino. 2021. "Backsliding into Judicial Oligarchy? The Cautionary Tale of Georgia's Failed Judicial Reforms, Informal Judicial Networks and Limited Access to Leadership Positions". 2021. *Review of Central and East European Law*.



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GRANTOVÁ AGENTURA ČESKÉ REPUBLIKY

Judicial Studies Institute
Faculty of Law, Masaryk University
Veveří 70
611 80 Brno
Czech Republic

Telephone: +420 549 49 6672 **E-mail:** justin@law.muni.cz

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