

# FOREWORD

Since its establishment, the Constitutional Court of Georgia has developed an extensive case law, which has clearly contributed to the rise of public interest in constitutional law in our country and laid the groundwork for the increase of the scope of constitutional review in the development process of the Georgian legal system. At the same time, the meaning of modern constitutionalism has gained new substance due to the dynamics of the legal and socio-political processes, occurring both in Georgia and worldwide. The global pandemic and crisis management, the regulation of new technologies, the humanitarian crisis and the ongoing legal and political processes - these are the issues of international relevance today, to name a few. All of the above puts the development of modern constitutional law on a new frontier and requires an active academic discussion.



The present edition of the “Journal of Constitutional Law” is dedicated to the discussion of a number of constitutional challenges, which are relevant both in Georgia and in other countries. The publication combines six academic papers by Georgian and foreign authors and also includes two case notes on landmark judgments decided by the Constitutional Court of Georgia this year. In particular, the Journal contains the works of Georgian scholars on important legal issues, such as - Analysis of the jurisdictional and procedural framework of the European Court of Human Rights in relation to the human rights violations in an armed conflict (by Giorgi Nakashidze); In consideration of the regional context, the paper providing an overview of the practice of the Inter-American human rights institutions, regarding the application of international humanitarian law is also interesting (by Ana Jabauri). Furthermore, the Journal combines papers on the constitutional aspects of competition, entrepreneurial freedom and consumer protection (by Givi Adamia); and on the restrictions on freedom of expression and freedom of information in a modern democratic administration system during the new Coronavirus (COVID-19) pandemic (by Vazha Datuashvili).

I am glad that this edition of the Journal contains the article by a renowned Justice of the Supreme Court of the United States Ruth Bader Ginsburg and by Professor Deborah Jones Merritt, as well as the work of an authoritative scholar Cass R. Sunstein. The article by Justice Ginsburg and Professor Merritt was first published in 1999 and addresses the essence of affirmative action and its international legal basis, it also overviews the practice of advancing equality between men and women in the United States, India and the European Union. It is noteworthy, that this issue gains particular relevance for the Georgian reality, because not so long ago, the Parliament of Georgia adopted gender quotas to ensure increasing women’s representation in the political

life. The article outlines the practice of affirmative action at the time in addressing both gender discrimination and other forms of inequality.

Professor Sunstein's paper addresses an essential social problem of great significance and discusses how people develop anger and resentment in society. The author focuses on existing social norms and notes that when these norms are subject to change, outrage grows, especially in the oppressed part of society. Against the backdrop of recent social protests in the United States, the paper assesses the power of people, who begin to erode established norms and discusses in general, the importance of public sentiment in the success of the fight for minority rights.

In addition, this edition contains case notes of two landmark judgments decided by the Plenum of the Constitutional Court of Georgia in 2020. In particular, the judgments of the Constitutional Court of Georgia of 30 July 2020, №3/1/1459, 1491 ("Public Defender of Georgia v. the Parliament of Georgia") and of 25 September 2020, №3/3/1526 ("N(N)LE 'New Political Center', Herman Sabo, Zurab Girchi Japaridze and Ana Chikovani v. the Parliament of Georgia"). In the first case, the Constitutional Court assessed the constitutionality of the legislative rule for the appointment of a judge of the Supreme Court of Georgia, whereas in the latter judgment the Constitutional Court decided on the constitutionality of the quota mechanism ensuring political representation on the basis of gender in the Parliament of Georgia.

The "Journal of Constitutional Law" is an internationally refereed and peer-reviewed publication, and I am pleased to note that the publication is now available in the Directory of Open Access Journals (DOAJ) and in the European Reference Index for the Humanities and Social Sciences (ERIH PLUS), which is a recognition of the Journal's standards, its openness policy, and ethical criteria. The placement of the "Journal of Constitutional Law" in the mentioned databases will further increase its reputation and make the works published in the Journal widely accessible.

The aim of the "Journal of Constitutional Law" is to develop research-based discussion in the field of constitutional law and to provide opportunities for Georgian authors to present their works to the public, and, on the other hand, to help the Georgian academia to get acquainted with works of many internationally recognised legal scholars and practitioners.

I am honoured to take on the position of the Chair of the Editorial Board of the "Journal of Constitutional Law". It is my hope that with my personal experience in the academic field, I will be able to help the Journal become a broader academic platform for conducting extensive legal discussions.

**MERAB TURAVA**

**PRESIDENT OF THE CONSTITUTIONAL COURT OF GEORGIA**