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BATUMI SHOTA RUSTAVELI STATE
UNIVERSITY

DEMOCRACY, RULE OF LAW AND PROTECTION OF HUMAN RIGHTS IN THE EUROPEAN UNION

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BOOK OF ABSTRACTS

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(EDITOR)

DEMOCRACY, RULE OF LAW, AND PROTECTION OF HUMAN RIGHTS IN THE EUROPEAN UNION

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**BATUMI SHOTA RUSTAVELI STATE UNIVERSITY
FACULTY OF LAW AND SOCIAL SCIENCES**



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რედაქტორის წინათქმა

სიამოვნებით წარმოგიდგინებთ 2023 წლის 29-30 სექტემბერს, ბათუმის შოთა რუსთაველის სახელმწიფო უნივერსიტეტში გამართული ჟან მონეს საერთაშორისო კონფერენციის მოხსენებების აბსტრაქტების რედაქტირებულ წიგნს. მოხარული ვარ, რომ გამოქვეყნდა ჟან მონეს პირველი საერთაშორისო კონფერენციის აბსტრაქტების წიგნი და იგი ელექტრონული სახით ხელმისაწვდომი იქნება დაინტერესებული საერთაშორისო აკადემიური აუდიტორიისთვის.

ჟან მონეს საერთაშორისო კონფერენცია „დემოკრატია, კანონის უზენაესობა და ადამიანის უფლებების დაცვა ევროკავშირში“ გაიმართა ჟან მონეს კათედრა პროექტის „ევროკავშირის ფუნდამენტური ღირებულებები: დემოკრატია, კანონის უზენაესობა და ადამიანის უფლებათა დაცვა“ ფარგლებში, რომელიც დაფინანსებულია ევროკავშირის მიერ და მიზნად ისახავს ევროკავშირის ღირებულებების პოპულარიზაციას, ევროკავშირის შესახებ კვლევებისა და სწავლების განვითარების ხელშეწყობის გზით. ეს კონფერენცია არის ბათუმის შოთა რუსთაველის სახელმწიფო უნივერსიტეტის ჟან მონეს კათედრის ფარგლებში 2020-2023 წლებში განხორციელებული საქმიანობის გარკვეული შეჯამება და მისი მიზანი იყო გამოცდილების გაზიარება, ახალგაზრდა მეცნიერთა ხელშეწყობა, უნივერსიტეტის ინტერნაციონალიზაცია და ევროპული კვლევების განვითარება.

მოხარული ვარ, რომ 100-მდე ქართველი და უცხოელი პროფესორი, დოქტორანტი, სტუდენტები, ჟან მონეს კათედრების, მოდულების, ჟან მონეს წამყვანი ცენტრების წარმომადგენლები მსოფლიოს 14 ქვეყნიდან (საქართველო, გერმანია, რუმინეთი, უნგრეთი, ჩინეთი, დიდი ბრიტანეთი, უკრაინა, ჩრდილოეთ მაკედონია, ხორვატია, მოლდოვა, თურქეთი, ისრაელი, პაკისტანი) მონაწილეობდნენ ღონისძიებაში. შეიძლება ითქვას, რომ საქართველოში, ბათუმში მსგავსი შეხვედრა პირველად მოხდა და კონფერენცია იყო ძალიან ნაყოფიერი. კონფერენციაზე გაიმართა პლენარული სხდომა ქართველი და უცხოელი ექსპერტების მონაწილეობით და 11 პანელის სესია/დისკუსია ევროკავშირისა და მასთან დაკავშირებულ თემებზე. კონფერენციის ფარგლებში მონაწილეებს საშუალება მიეცათ წარმოედგინათ თავიანთი ნაშრომები, მიეღოთ რეკომენდაციები და წინადადებები კოლეგებისგან, გაემართათ დისკუსია და დაეგემათ სამომავლო თანამშრომლობა. ვფიქრობ, კონფერენცია განსაკუთრებით სასარგებლო იყო ახალგაზრდა მეცნიერებისა და დოქტო-რანტების სამეცნიერო საქმიანობის ხელშეწყობისთვის.

ჟან მონეს პროგრამა ერთ-ერთი მნიშვნელოვანი ინიციატივაა, რომელსაც ევროკავშირი ახორციელებს „ერასმუს+“ პროგრამის ფარგლებში მთელ მსოფლიოში, ევროკავშირის ღირებულებების პოპულარიზაციის, ევროკავშირის შესახებ კვლევისა და სწავლების განვითარების ხელშეწყობის გზით. საქართველო წლებია ჩართულია „ერასმუს +“ პროგრამაში და სხვადასხვა უნივერსიტეტი ახორციელებს ჟან მონეს პროგრამებს. დღეს, როცა საქართველო ევროინტეგრაციის უმნიშვნელოვანეს ეტაპზეა, ჩვენს ქვეყანაში ევროპული კვლევების განვითარება ძალიან მნიშვნელოვანია. ჩვენი მიზანი იყო ევროპული კვლევების გაძლიერება ბსუ-ში, განსაკუთრებით სამართლის მიმართულებით და ამ მიზნით 2019 წელს ევროკომისიას წარვადგინეთ ჟან მონეს კათედრის პროექტი. მოხარული ვარ, რომ 2020 წელს გავიმარჯვეთ საერთაშორისო კონკურსში რამდენიმე ათას მონაწილეს შორის მთელი მსოფლიოდან და მოგვეცა ბსუ-ში 2020-2023 წლებში ჟან მონეს პროექტის განხორციელების შესაძლებლობა.

ეს იყო ჟან მონეს პირველი კათედრა ბსუ-ში და მნიშვნელოვანია ისიც, რომ იგი სპეციალიზებულია ევროკავშირის კონსტიტუციურ სამართალში, რომელიც აქამდე საქართველოში არც ერთ უნივერსიტეტში არ განხორციელებულა. ეს არის პირველი პროექტი, რომელმაც უკვე განახორციელა მნიშვნელოვანი აქტივობები სამართლის ამ მიმართულებით. კერძოდ, სამი წლის განმავლობაში ბსუ-ში გაიმართა 3 საზაფხულო სკოლა საქართველოს სხვადასხვა უნივერსიტეტის სტუდენტების მონაწილეობით, 3 სტუდენტური კონფერენცია, 8 საჯარო ლექცია და დისკუსია სტუდენტების, საჯარო სკოლის მოსწავლეების და მასწავლებლების მონაწილეობით, ასევე 2 მრგვალი მაგიდა ევროინტეგრაციის საკითხებზე და 30 „ევროპული საუბარი“ ტელევიზიასთან, რადიოსთან. ჩემი ხელმძღვანელობით მომზადდა 10 სამაგისტრო, საბაკალავრო და საკონფერენციო ნაშრომი ევროკავშირის საკითხებზე, წარვადგინეთ მოხსენება 6 საერთაშორისო კონფერენციაზე, გამოქვეყნდა 4 სტატია საერთაშორისო რეფერირებად ჟურნალში, ასევე 20-მდე ბლოგი ევროკავშირის საკითხებზე, დაინერგა 3 ახალი სასწავლო კურსი

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ევროკავშირის შესახებ და აისახა საგანმანათლებლო პროგრამებში, შეიქმნა ელექტრონული ბიბლიოთეკა. და ბოლოს, საერთო ჯამში, 3 წლის განმავლობაში ბსუ-ს ჟან მონეს კათედრის აქტივობებში მონაწილეობდა 1020 ადამიანი (სტუდენტი, მოსწავლე, მასწავლებელი, არასამთავრობო ორგანიზაციის წარმომადგენელი, სხვა მოქალაქეები), ხოლო არაპირდაპირ ათასზე მეტი ბენეფიციარი ჰყავდა პროექტს.

ამგვარად, ვფიქრობ, ჩვენ მივალნივთ გარკვეულ მიზანს ევროკავშირის შესახებ ცოდნის გავრცელების კუთხით. რაც მთავარია, პროექტის ფარგლებში შექმნილი მასალები ხელმისაწვდომია ჩვენს ვებგვერდზე <http://jeanmonnetchair.edu.ge> და მომავალში გამოადგება დაინტერესებულ პირებს. ასევე მიხარია, რომ ჩვენი მონდომებით და ბსუ-ს ადმინისტრაციის მხარდაჭერით, იურიდიულ და სოციალურ მეცნიერებათა ფაკულტეტზე შეიქმნა ჟან მონეს კათედრა, სადაც ჭეშმარიტად ევროპული სამუშაო გარემოა შექმნილი და ნებისმიერ დაინტერესებულ პირს შეუძლია ისარგებლოს სივრცით.

გარდა ამისა, 2023 წლიდან გვაქვს ახალი პროექტი, რომელიც სამი წლის განმავლობაში უნდა განხორციელდეს. იგი არის ჩვენი საქმიანობის გაგრძელება ჟან მონეს კათედრაზე ევროპული კვლევების მიმართულებით. კერძოდ, 2022 წელს ბსუ-ს სახელით ევროკომისიის საერთაშორისო კონკურსზე წარვადგინეთ კიდევ ერთი ახალი პროექტი – ჟან მონეს მოდული „ევროკავშირში განვვრჩიანების პოლიტიკური კრიტერიუმები და საქართველოს, მოლდოვასა და უკრაინის ევროპეიზაცია“. მოხარული ვარ, რომ ევროკომისიამ უკვე მეორედ დაგვიჭირა მხარი და ეს ახალი პროექტი ბსუ-ში უახლოეს 3 წელიწადში განხორციელდება. ჟან მონეს მოდულის პროექტის ფარგლებში მომზადდება ახალი კურსი ევროკავშირში განვვრჩიანების პოლიტიკურ კრიტერიუმებზე, ყოველწლიურად ჩატარდება ზამთრის სკოლა, საზაფხულო სკოლა, მრგვალი მაგიდა, საჯარო ლექციები, ჩატარდება კვლევა და საქართველოს, უკრაინისა და მოლდოვას ევროკავშირში განვვრჩიანების საკითხებზე და გამოქვეყნდება საერთაშორისო პუბლიკაციები.

უპირველეს ყოვლისა, ეს მნიშვნელოვანია ევროკავშირის შესახებ ცოდნის გავრცელების, ასევე განსაკუთრებით ძლიერი რუსული პროპაგანდისა და უამრავი დეზინფორმაციის, სხვადასხვა მითების კონტექსტში. ჩვენი მიზანი უნივერსიტეტში არ არის მხოლოდ სწავლება და კვლევა, არამედ ხელი უნდა შევუწყოთ საზოგადოებაში ევროკავშირის შესახებ სწორი და ობიექტური ინფორმაციის გავრცელებას, მითების გაფანტვას და საქართველოს ევროინტეგრაციას. ეს არის უნივერსიტეტის მესამე მისია, რომელსაც ვფიქრობ, ვახორციელებთ. პროექტის ძირითადი ბენეფიციარები არიან სტუდენტები, ბათუმის შოთა რუსთაველის სახელმწიფო უნივერსიტეტის, უკრაინის, მოლდოვის, საქართველოს სხვა პარტნიორი უნივერსიტეტების პროფესორები, ასევე საჯარო მოხელეები, სამოქალაქო საზოგადოების, მედიის წარმომადგენლები და სხვა დაინტერესებული პირები. ჩვენთვის მნიშვნელოვანია, რომ საქართველოს რაც შეიძლება მეტმა მოქალაქემ ისარგებლოს ამ პროექტით. ახალი პროექტის განხორციელება 2023 წლის ნოემბერში დაიწყება. მადლობა მინდა გადავუხადო ევროკავშირს მხარდაჭერისთვის, რაც ძალიან მნიშვნელოვანია ჩვენი უნივერსიტეტისთვის, ჩემთვის, როგორც პროფესორისთვის და ევროინტეგრაციის პროცესში მყოფი ქვეყნისთვის.

იმედი მაქვს, რომ კონფერენცია საინტერესო და სასარგებლო იყო ყველა მონაწილისთვის და ჩვენი თანამშრომლობა გაგრძელდება ბათუმის სახელმწიფო უნივერსიტეტში უკვე ახალი პროექტის ფარგლებში.

გთხოვთ, მიუთითოთ წიგნის შესახებ თქვენს პირად აკადემიურ რეზიუმეში, უნივერსიტეტის ვებგვერდზე და გააზიაროთ იგი სხვადასხვა პლატფორმებზე, რათა ხელმისაწვდომი იყოს ფართო საზოგადოებისთვის მთელს მსოფლიოში.

დიდი მადლობა ყველას თანამშრომლობისთვის!

მალხაზ ნაკაშიძე

პროფესორი, ჟან მონეს კათედრის ხელმძღვანელი

ბათუმის შოთა რუსთაველის სახელმწიფო უნივერსიტეტი

ბათუმი, 2023 წლის ოქტომბერი

BOOK OF ABSTRACTS

Introduction

I am pleased to present to you the edited book of abstracts of the Jean Monnet International Conference held on September 29-30, 2023, at the Batumi Shota Rustaveli State University. As the Jean Monnet Chair and the editor of the book, I am very happy that abstract book of the first Jean Monnet International Conference has been published.

The Jean Monnet International Conference "Democracy, Rule of Law and Protection of Human Rights in the European Union" was organized within the framework of the Jean Monnet Chair project "Fundamental Values of the European Union: Democracy, Rule of Law and Protection of Human Rights" funded by the European Union and aims to promote excellence in teaching and research in the field of European Union studies. This conference completed the activities carried out within the framework of the Jean Monnet Chair at Batumi Shota Rustaveli State University in 2020-2023, and its goal was to share experience, promote young scholars, internationalization of the university and development of the European studies.

I am pleased that about 100 Georgian and foreign professors, PhD students, other students, representatives of Jean Monnet chairs, modules, leading Jean Monnet Centers of Excellence from 14 countries of the world (Georgia, Germany, Romania, Hungary, China, Great Britain, Ukraine, North Macedonia, Croatia, Moldova, Turkey, Israel, Pakistan) participated in the event. It can be said that such a meeting took place for the first time in Georgia, Batumi and the conference was very productive. A plenary session with the participation of Georgian and foreign experts and 11 panel sessions/discussions about the European Union and related topics were held. Within the framework of the conference, the participants had the opportunity to present their works, receive recommendations and suggestions from colleagues, hold a discussion and plan a future cooperation. I think the conference was especially useful for promoting the scientific activities of young scholars and PhD students.

The Jean Monnet Program is one of the important initiatives that the European Union implements within the framework of the "Erasmus+" program worldwide, in order to promote the values of the European Union, to promote the development of research and teaching about the European Union. Georgia has been involved in the "Erasmus +" program for years and various universities have been implementing Jean Monnet programs. Today, when Georgia is at the most important stage of European integration, the development of European studies in our country is very important. Our goal was to strengthen European studies at BSU, especially in the field of law, and for this purpose I presented the Jean Monnet Chair project to the European Commission in 2019. I am glad that in 2020 we won the international competition, where several thousand applicants from all over the world participated, and we were given the opportunity to implement the Jean Monnet project at BSU for 2020-2023.

It was the first Jean Monnet chair at BSU, and it is also important that it is specialized in the European constitutional law, which was not implemented in any other university in Georgia before. This is the first project that has already carried out important activities in this direction of law. In particular, during three years, BSU held 3 summer schools with the participation of students from different universities of Georgia, 3 student conferences, 8 public lectures and discussions with the participation of students, public school students and teachers, as well as 2 round tables on European integration issues, 30 "European conversations" were held with television and radio. Under my supervision, 10 master's, bachelor's and conference theses on EU issues were defended, we presented papers at 6 international conferences, 4 articles were published in an international refereed journal, as well as about 20 blogs on EU issues, 3 new study courses on the EU were introduced and included in educational programs, an electronic library was created. Finally, To sum up, over 3 years, 1020 people (students, pupils, teachers, representatives of non-governmental organizations, other citizens) participated in the activities of the BSU Jean Monnet Chair, and the project had more than a thousand indirect beneficiaries.

Thus, I think we have achieved a certain goal in terms of spreading knowledge about the European Union. Most importantly, the materials created within the project are available on our website <http://jeanmonnetchair.edu.ge> and will be useful for interested persons in the future. I am also glad

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that with our initiative and the support of the BSU administration, the Jean Monnet Chair was created at the Faculty of Law and Social Sciences, a space where a truly European working environment is created and any interested person can take advantage of this opportunity.

In addition, we have a new project starting in 2023, which should be implemented within three years. The new project is a continuation of our activities at the Jean Monnet Chair in the direction of European studies. In 2022, on behalf of BSU, I presented another new project at the international competition of the European Union – Jean Monnet’s module “Political criteria for accession to the European Union and the Europeanization of Georgia, Moldova and Ukraine”. I am glad that the European Commission has supported us for the second time and this new project will be implemented in BSU in the next 3 years. Within the framework of the Jean Monnet module project, a new course will be prepared on the political criteria for joining the European Union, winter school, summer school, round table, public lectures will be held every year, research will be carried out, and international publications will be published on the issues of joining the European Union of Georgia, Ukraine and Moldova.

First of all, this is important in the context of the spreading of knowledge about the EU, as well as particularly strong Russian propaganda and a lot of misinformation, various myths. Our goal at the university is not only teaching and research, but we should also promote the dissemination of correct and objective information about the European Union in the society, dispel myths and promote the European integration of Georgia. This is the third mission of the university, which I think we are implementing. The main beneficiaries of the project are students, professors of Batumi Shota Rustaveli State University, other partner universities of Ukraine, Moldova, Georgia, as well as civil servants, representatives of civil society, media and other interested persons. It is important for us that as many citizens of Georgia as possible benefit from this project. The implementation of the new project will start in October 2023. I would like to thank the European Union for its support, which is very important for our university, for me as a professor, and for the country that is in the process of European integration.

I hope that the conference was interesting and useful for all participants and our cooperation will continue within the framework of a new project at Batumi State University.

Please submit the book in your personal academic profile, on the university website and share it on various platforms so that it is available to the general public globally.

Thank you all for your cooperation!

Malkhaz Nakashidze

Professor, Jean Monnet Chair
Batumi Shota Rustaveli State University

Batumi, October 2023

An Essay on the German Good Faith Law Within the Framework of the Rule of Law Principle

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Abstract

The rule of law, as laid down in the German Constitution, is generally associated with public law concepts, such as fundamental rights, proportionality, and due process. However, as this article will show, it is also important in private law. The starting point is the insight that contract law demonstrates underlying tensions between the dominant value of freedom of contract and a few principles aimed at preventing the abuse of that freedom. The general policing doctrine that responds to the abuse of freedom of contract is the principle of good faith, which in Germany has been anchored in the Article 242 of the Civil Code. The good faith principle is recognised by nearly all national legal systems, regardless of whether they follow civil or common law tradition to one extent or another. In contrast to the Civil Code, the principle of good faith is not mentioned in the Constitution. The relationship of good faith to the rule of law principle has not been widely explored thus far. This article aims to determine to which extent the good faith principle is consistent with the rule of law and its associated values, like predictability and uniformity. It examines whether good faith acts as a meta-principle of contract law or even general law principle, which governs the application of other principles and serves the more legal purposes associated with the rule of law principle, or it is, conversely, a special manifestation of the rule of law. In addition, the article shows that good faith and the rule of law are not only interrelated but that the good faith principle can weaken the effect of the rule of law. While good faith can help to mediate the effects of State powers in constitutional law, it can also be used to import ideology, as seen in some countries during the period of totalitarianism.

Keywords: The good Faith Principle; Germany; Constitution; Civil Code

„Foreign Agents“ Foreign Influence on the Democracy Promotion and Europeanisation Agenda of Georgia

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Abstract

In December 2022 the Members of Georgian Parliament who broke from the incumbent political party in June 2022- Georgian Dream, declared that they intend to prepare the draft law on 'foreign agents', which will regulate the financing of the NGO sector or other organisations, which aim at influencing the decision-making on public matters, or the formation of public opinion. While the opposition, some of the influential CSOs and pro-opposition media organisations labeled them as anti- western public movement and rushed to claim their suspicions that the bill will be the analogue of the Russian Federation legislation aimed at attacking CSOs, the initiators themselves reiterated that the draft bill will be built on the US Foreign Agents Registration Act and other analogies of western democracies. According to one of the members of the group of initiators, by creating a 'strict legal framework', they are motivated with a "sincere desire to return this anti-government sector to a non-governmental sector and subordinate it to constitutional, democratic rules. To do this, we sometimes turn to international precedent." The paper aims at impact assessment of the draft law on the promotion of democracy and Europeanisation agenda of Georgia.

Keywords: Foreign Influence; Foreign Agents; Democracy; Europeanisation; Georgia

The European Union Perspective on the Rule of Law - an Analysis of the Current Framework

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Abstract

The rule of law is the fundament of the concept of constitutional democracy. In the case of the European Union, the rule of law is a principle that is based on the common constitutional traditions of Member States, being one of the fundamental values of the EU. A reference to the rule of law could be found in the article 2 of the Treaty on European Union, in the Preamble of this treaty and in the EU Charter of Fundamental Rights. Respecting rule of law is a requirement to join the European Union (Article 4/Treaty on European Union). The main question on the rule of law is if a mechanism for the respect of this principle could work. This contribution traces back different essays to establish such a mechanism, starting from 2014 and coming to the current yearly reports on the rule of law in Each Member State that are delivered from 2020.

Keywords: The European Union; Rule of Law; Human Rights; Member States

Importance of Obligatory Nature of European Studies in the Policy of High Education of Georgia

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Abstract

Component of EU Studies in Georgia is obligatory in MA law program according to National Center for Education Quality Enhancement standard document. Following Learning outcome should be reached: *MA student has a knowledge on EU law impact on Georgian legal system*. But even bringing compulsory component, it faces challenges: 1. Lack of professors knowing academically EU law and Europeanization of Georgian law; 2. Lack of instruments of science development (professors empowerment to do researches or participate in European conferences by offering financial support). There could be two approaches at MA law program: 1. Develop a special teaching course of binding nature about EU law, approximation of Georgian Law; 2. Develop EU studies within all teaching courses at MA law program. Other educational programs on university level and general education are left without binding instruments related to EU studies. This creates quite big problems: fight against disinformation; formation of the framework of modern skills serving to youth free development/competitiveness; Formation of solid views about country's progress. After concluded AA/DCFTA and granting potential candidacy to Georgia, there is almost no field, where convergence with the EU law, EU policy is not required. Thus, higher education policy in Georgia should be market and value oriented. Generalization/extension of approaches towards law program to other professional programs and levels of education would be very important; empowerment of EU studies should be guarantee via supporting academia; EU instruments of education development should be enlarged in Georgia.

Key words: European Studies; Law Program; Education Policy; Georgia

The Plastic Waste crisis in the EU: Options for Action in Context of European Sustainability Policy - a Simulation Game for EU-related Learning and Teaching in Education for Sustainable Development

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Abstract

The presentation addresses the important issue of learning and teaching about the European Union, using the example of plastic waste in the context of Education for Sustainable Development (ESD). The presentation outlines EU legislation concerning plastic and plastic waste and analyses its didactical potential for EU-related learning and ESD. Concerning teaching the EU at school, the cognitive competence dimension is constituted by knowledge about the EU and the affective one includes attitudes towards the EU. For this purpose, the plastic waste problem is shown by a simulation game, which shows the function of circular economy. The educational goal and the didactic impetus are directly linked to UN Sustainable Development Goal No. 12, which is dealing with responsible consumption and production necessities. What matters here is the increase in knowledge as well as the political judgement, action and decision-making skills to EU related learning. The participants simulate a stakeholder meeting on the plastic waste crisis. The EU Commission invites actors from politics, business and civil society to the negotiating table to Brussels. In order to evaluate the knowledge and decision-making skills of the students concerning the simulation game, six roles of actors or veto players are provided. From a political perspective, the players slip into the roles of the EU Commission, the German Ministry of the Environment and the delegation of Southeast Asian countries. The non-governmental organization (NGO) Zero Plastic Alliance complements the negotiations. The simulation game is a partial result of an EU Jean Monnet project on this topic.

Keywords: The Plastic Waste crisis; European Sustainability Policy; Simulation Game

The Problem of Financial Exclusion in the 21st Century Based on the Results of a Hungarian Primary Research

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Abstract

It is not difficult to see that without rules and law society would be a disorderly system in which, in the absence of principles of order, chaos would prevail. Law is the guarantor of order and order in society. If the members of society submit to these rules, the system of rules, which is accepted by all, creates the principles of order on the basis of which society as a system can function properly. It regulates our civil relations, shapes our business environment and even our international cooperation. The latter is even more important, as in many cases very different legal systems have to be harmonised. The EU has set very ambitious targets, which we call the green transition, and the series of treaties that go with it the European Green Deal. EU directives on the green switchover should be transposed into national law by the Member States. The study addresses the question of the extent to which these directives will be transposed into practice by EU countries. While it is said that EU law takes precedence over national law, in some cases the guidelines adopted by the EU may not be so easy to implement in a Member State. And there may be reasons for this not only in law, but also in society and, even more so, in the economy. The study also focuses on the fact that economic differences and lags can cause very significant problems in transposing EU directives related to the green switchover into practice.

Keywords: EU, Green Deal; Sustainability; EU Directives; Green Competitiveness

The Importance of a Fair Procedure in the Long-term Delivery of EU Green Policies and Targets

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Abstract

It is not difficult to see that without rules and law society would be a disorderly system in which, in the absence of principles of order, chaos would prevail. Law is the guarantor of order and order in society. If the members of society submit to these rules, the system of rules, which is accepted by all, creates the principles of order on the basis of which society as a system can function properly. It regulates our civil relations, shapes our business environment and even our international cooperation. The latter is even more important, as in many cases very different legal systems have to be harmonised. The EU has set very ambitious targets, which we call the green transition, and the series of treaties that go with it the European Green Deal. EU directives on the green switchover should be transposed into national law by the Member States. The study addresses the question of the extent to which these directives will be transposed into practice by EU countries. While it is said that EU law takes precedence over national law, in some cases the guidelines adopted by the EU may not be so easy to implement in a Member State. And there may be reasons for this not only in law, but also in society and, even more so, in the economy. The study also focuses on the fact that economic differences and lags can cause very significant problems in transposing EU directives related to the green switchover into practice.

Keywords: EU Green Policies; EU Member States; EU Directives; Fair Procedure

The Human Rights and Gender Equality Issues of the Climate Diplomacy of the European Union and the Implications

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Abstract

Since the European Union established the European Green Deal (EGD) which connected tightly the climate governance on different level including domestic governance on the member states level, the internal governance on the Union Level, as well as international and global governance on both bilateral and multilateral perspective, the EU define itself not only as a green power in the international society, but also seek the leadership in global climate governance. Theoretically, climate governance is highly related economic increase, energy consumption, environmental protection, as well as sustainable development, which make the issues closely relevant to Human rights (like surviving, living and development) and even the gender equality (like who and how to governance). According to the leadership defined by the EU, besides the influence on the international negotiations and shaping the approaches of global climate governance, the European Value including human rights and gender equality are both the important concepts which the EU would get more involved into global governance domain. However, as the impact from the notion of rule of law and human rights, the EU approaches on diplomacy and climate aid towards the other countries have been settled with more prerequisites on human rights, value of constitution, and the other related issues, which become one of the most important characteristics of climate policies of the union, but also form the obstacles for the climate governance inside the EU and eliminate the leadership of the EU in international society.

Keywords: Human Rights; Gender Equality; Climate Diplomacy; The European Union

The Post-1990 SPD between Idealistic Pro-Europeanism and Domestic Ideological Priorities in Germany

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Abstract

This paper aims to examine the evolution of the German Social Democratic Party (SPD)'s pro-European attitude from German reunification in 1990 until 2010. German unity marked a turning point in the SPD's formerly idealistic stance on the EC/EU, forcing the party to give more emphasis to domestic problems. As such, the main argument of this paper is that the SPD found itself in a persistent dilemma between idealistic/internationalistic sentiments and domestic considerations in its pro-Europeanism following the national reunification. The SPD's idealistic pro-Europeanism was increasingly challenged by its rather suspicious take on Europe owing to domestic ideological priorities. This tension culminated in ideology-orientated criticisms towards the EU, as seen in the debate on single market by the early 1990s, and some contradictory official positions, as seen during the Euro crisis in 2009. As a result, the weight of ideological pragmatism rose at the expense of idealistic (non-ideological) pro-Europeanism in the SPD's approach towards Europe, not least after Gerhard Schröder took over as chancellor in 1998. To examine this tension between the two tendencies, semi-structured qualitative interviews and archival research were employed as the data-collection methods. In this respect, 16 senior political elites from the SPD who previously served in the top party, parliamentary and governmental positions were interviewed. In addition, several selected physical and digital archives on the party's European vocation were covered. To analyse the collected data, the reflexive thematic analysis (RTA) method was used.

Keywords: Post-1990 SPD; Idealistic Pro-Europeanism; Ideological Priorities; Germany

Offers and Constraints of EU Sport Diplomacy with Regard to Human Rights and Democracy

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Abstract

While the USA or China have been using sport specifically for diplomatic purposes for a long time, this idea has remained unnoticed in the EU until the 2010s. However, referring to the instrument of "soft power" (Joseph Nye), the European Union has started to use the potential of sport in EU diplomacy more intensively in the last decade. Particular importance is assigned to the promotion of EU values in the 2016 Council conclusions on sports diplomacy. At the same time, references to sport can be found in fundamental EU documents such as the EU-Georgia Association Agreement ("The Parties shall promote cooperation in the field of sport and physical activity through the exchange of information and good practices in order to promote a healthy lifestyle and the social and educational values of sport, mobility in sport and in order to fight global threats to sport such as doping, racism and violence" (Art. 368) With its sports strategy, the EU is challenging organised sport. Invoking the "autonomy of sport", sports organisations have for long time rejected enhanced social responsibility beyond sport. Especially in the course of awarding major sporting events, but also in cases of discrimination, sexualised violence or in the value-added and supply chains of the sporting goods industry, undesirable developments in sport cannot be overlooked with regard to human rights. Against the backdrop of these challenges, the proposed contribution article analyses 1) the fundamental role of sports diplomacy as a political instrument, 2) the positions and activities that the European Union has developed so far with regard to sport diplomacy, and 3) the extent to which the European Union has succeeded in achieving improvements in the area of human rights and democracy through the use of sport diplomacy instruments.

Keywords: EU Sport Diplomacy; Human Rights; Democracy; Association Agreement

Ensuring Child Rights and Interests in Media: European and Ukrainian Standards and Practice

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Abstract

The article discusses legislative and other mechanisms for ensuring the rights and interests of children in the media space, coverage of children's topics in the British and Ukrainian media. Observance and protection of the rights and interests of children in media is regulated at several levels: international legislation, national legislation and the journalistic community at the level of codes, declarations, rules, etc. (self-regulation). The article analyzes international and national self-regulation. At the international level, self-regulation develops according to the standards and guidelines of the International Federation of Journalists ("Putting Children in the Right - Guidelines for Journalists"), UNICEF documents. In Britain self-regulation develops through the Ofcom Broadcasting Code, BBC Charter and Agreement and other instructions of the broadcaster itself. In Ukraine, self-regulation is carried out through the Code of Ethics of a Ukrainian Journalist (Article 18), Joint Acts of Agreement from the National Council of Ukraine on Television and Radio Broadcasting, Media Industry, and the Public ("Coverage by mass media of the topic of children's participation in armed conflicts" and others). In the article an example of a socially important media project of the BBC "Panorama" is examined, where children's topics are constantly demonstrated and analyzed. The undertaken comparative analysis of the prime examples of socially important television programs on the Ukrainian and British television led to the conclusions, that a clear editorial policy on protection of children's rights at the BBC, the main documents need further research, consideration, and implementation in Ukrainian media practice.

Keywords: Child Rights; Ukrainian Media; BBC Charter; Child Protection; Code

From Diplomatic Practice to Diplomatic Philosophy: How the EU and China View Multilateralism

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Abstract

A prerequisite for narrating the diplomatic relations with Europe and fostering EU- China multilateral cooperation is to clarify the similarities and differences of European and Chinese views of multilateralism. The greatest common denominator in EU-China multilateral diplomacy is that both resolutely uphold the United Nations system and international laws and oppose unilateralism. In terms of differences, China emphasizes that there is only one system, one order and one set of rules in the world, and opposes interference in internal affairs, whereas the EU is a natural multilateral actor, which favors normative power, emphasizes multilateral governance and rules-based international cooperation, coordinates the positions of its Member States, has two faces of both multilateral and bilateral, and is constrained to its degree of integration. China practices multilateralism that is inclusive and based on the shared values of humanity, with the purpose of building a community with a shared future for mankind. The EU practices multilateralism that is normative and defend the universal values and transatlantic cooperation, with the purpose of pursuing global leadership with a interests-based approach. The comparison of European and Chinese views on multilateral diplomacy is of great significance for understanding the asymmetry of political and legal narratives as well as expressions of cultural value between China and the West.

Keywords: Diplomatic Practice; Diplomatic Philosophy; EU; China; Multilateralism

The Right to Participate in Sport VS Privacy and Data Protection Regulation

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Abstract

The right to sport and participation in sport activities are recognized as core human rights according to EU treaties and policies, national laws in the EU member countries, and Macedonian law as well. The process of digitalization increasingly embraced the daily life of the population, which in particular impacted the digitalization of sport, the use of wearable technologies, player data, cross-boarding data sharing, e-platforms, and providers, third parties that process personal data of individuals in the EU and in EU candidate countries, in this case the Republic of North Macedonia and challenged the law and rules in sport and sports activities. Therefore, this became a milestone for the EU to provide a "coherent response to contemporary challenges in sport", as well as establish data subject rights and personal data protection. On the other hand, establishing the control and monitoring of the platforms managed by various providers reveals a lot of challenges for the legal regime of the collection of sports data and the data processing and transfers. The aim of this research is to examine the general EU and national rules, and the regulatory compliance by emphasizing the contemporary practice of digital data processing in amateur running organized by sport organizations. Running became a very popular leisure sport activity in North Macedonia. This popularity, has revealed many legal issues about the privacy protection of the collected and processed data during the registration process, published data (score results, medical data, photos and recordings, and marketing) and the relationship between sports and data privacy. The digital collection of personal data has brought widespread attention to many legal questions, personal data processing principles, fundamental human rights, the rule of law, and social core values.

Key words: EU Sports Policy; Privacy; Data Protection; GDPR, Digitalization

Revisiting the Online Platforms' Liability for Storing Illegal Content under the New Digital Services Act

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Abstract

In November 2022, the Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC, commonly referred to as the 'Digital Services Act', entered into force. Most of its provisions – including those on the platform's liability for illegal content – will begin to apply as of 17 February 2024. Whereas the Act keeps the immunity of online intermediary platforms from liability for storage of illegal content already established under the old e-Commerce Directive, it nonetheless introduces some novel. The Act has introduced revised provisions on the platform's liability for illegal content. The paper provides a critical overview of these provisions with special reference to the operation of auction platforms. The authors analyze the system introduced by the Act aiming to identify its advantages and weaknesses. To that end, special attention is paid to the newly introduced rule on the online platform's liability under the consumer protection law, a rather controversial institute of voluntary own-initiative investigations and possible implications thereof for the online platform's immunity, new system of injunctive reliefs, alongside novel due diligence requirements for transparent and safer online environment, novel provisions on the supervision of online platforms and the novel enforcement mechanism. The paper argues that the revised system of platform liability, while contributing to the transparency of the Digital Single Market, does not add much to the existing rules on the platform liability, and imposes a great deal of administrative burden on online platforms, having potentially adverse effects on the sustainability of this 'self-regulating' business model.

Keywords: Online Platforms; Liability; Storing Illegal Content; New Digital Services Act

Empowering Consumer Rights by Fostering Digital Tools for the European Public Space

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Abstract

An effective consumer protection policy ensures that the single market can function properly and efficiently. The European public space should guarantee consumer rights in relation to traders and to provide additional protection by empowering digital tools for consumers, as vulnerable parts of contracts. Consumer protection rules have the potential to improve market outcomes for the entire economy. They make markets fairer and, by improving the quality of information provided to consumers, can lead to better environmental and social market outcomes. Empowering consumers and effectively protecting their safety and economic interests have become key objectives of EU policy. The aim of this paper is to discuss a series of progressive steps that must be followed when protection of consumer rights should be a property for the economy of any country. The main body of the paper provides a detailed analysis on the importance of digital tools for consumer rights protection. The discussion also explores effective consumer protection legislation, enforcement institutions and how to redress systems by fostering digital tools. The current research is focused on analyzing and comparing a set of consumer protection norms within the legal system, with the aim of identifying digital tools that are relevant for a European public space. Additionally, the research seeks to understand how legal provisions can be applied in the context of measures taken by authorities in response to violations of consumer rights, from the perspective of transition from classic to digital tools for empowering consumer rights. The paper concludes by identification the variety of non-formal digital consumer protection tools that are not directly regulated by law but are evolving rapidly and in step with technological developments.

Keywords: Consumer Rights; Digital Tools; European Public Space; Network; Online Dispute

The Social and Economic Foundations of Pauline Action

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Abstract

Social and economic foundations configure and explain the entire construction of the institution of Pauline action. The protection of the creditor's claim against fraud is the object of a distinct method of defense of subjective civil rights. The Pauline action is precisely that method of defending the subjective rights of creditors. That issue goes beyond personal interest, it becomes of general interest from the defense point of view. The company is co-interested in the full and compliant realization of creditors' rights, as well as in their defense against legal acts that prevent their realization. From the point of view of proportionality, the solution to admit Pauline's action will have to be based on clear standards of diligence in civil legal relations and on the requirements of the principle of good faith. The Pauline action represents a potential risk for the stability of the civil and economic circuit in general. In order to overcome possible risks, the courts, emerging from the social function of the economy, constitutionally enshrined, should thoroughly study the relevant facts in each determined case and establish the reasonableness and sufficiency of the diligence of the third party contractor.

Keywords: Pauline Action; Subjective Civil Rights; Company; Economy

Judicial and Legislative Analysis of Partnership Relations and System Functionality of the Company

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Abstract

The state has been trying to develop effective economic and legal mechanisms for many years, that should ensure the creation of an optimal environment for public order and entrepreneurial activities. Nevertheless, it remains a problem to maintain the stable development trend of companies. This is facilitated by the lack of business experience and the inappropriate and ineffective use of partner agreements as a universal mechanism for regulating relations between partners. It is noteworthy that by adopting the new law, the state is trying to make significant changes, that implies the sharing of international standards and experience in order to create an effective normative base in the Georgian entrepreneurial space. The Association Agreement and its ratification process make a remarkable contribution to the implementation of this issue. This is to be welcomed, as both the ECJ and the ECHR have considerable experience in establishing effective legal mechanisms. The content of the legislative regulation, that provides only a general approach to the exclusion of a partner, is rather vague. It must be noted that the statute does not yet play an important role in the partnership, which is unfortunate as the state tries to saturate the law with dispositional provisions, although the lack of this opportunity actually makes it useless. Therefore, it is important for companies and their founders to have an in-depth understanding of the importance of the founding documents. Making the most of the partner agreement resource ensures identified that the preferred vectors for the company. Ultimately, the new law fails to provide adequate standards for protecting a partner's share of property rights.

Keywords: Partnership Relations; Company; ECJ; ECHR; Property Rights

Had Turkey, A Candidate State to the EU, Met the EU Requirements on Minority Issues? Specific Attention to Legally Unrecognized Minority Groups

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Abstract

Empowering and protecting non-dominant groups can create a pluralist democracy in a multicultural, peaceful atmosphere. Sociological division and conflict may also develop from the unequal status and state treatment of minorities. Common sense suggests improving and recognising diverse groups' rights to reduce problems and establish solidarity in society. Human rights, particularly religious rights, are affected by this topic. The 1923 Lausanne Treaty is the only source of Turkey's minority rule in an international legal context where minority rights have long been resolved ad hoc. Although the treaty only granted minority status to some non-Muslims in Turkey, developments in international human rights law and EU candidature could give Alevis, Assyrians, Protestants, etc. the chance to be represented by the state and treated equally. The European Commission has often called for minority rights and religious-cultural justice reforms in Turkey within the European model of human rights protection. The EU has recommended that Turkey empower disadvantaged and discriminated groups to fight human rights violations. Given current developments in Turkey involving minority and equal citizenship rights, ECHR articles and Copenhagen political criteria are crucial. When the Copenhagen political criteria, ECHR decisions, and Turkey's situation and government policies in the last decade through minority issues in the EU accession process are examined together, within these frameworks, this study details Turkey's conditions in meeting EU minority issue requirements and the situation of unrecognised minority groups in Turkey.

Keywords: Turkey; Minority; European Union; Human Rights

The Best Interests of the Child Principle as Applied in the European Court of Human Rights Case Law

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Abstract

The 'best interests of the child' is a unique and comprehensive principle of the Convention on the Rights of the Child and it should be applied by courts in all cases concerning children. The European Court of Human Rights (ECHR) is not an exception. This article examines the aspects of the best interests' concept in the ECHR decisions that all Council of Europe member states' national courts are guided by. The article begins with review of international and European standards of 'the best interests of the child' definition in the context of ECHR jurisprudence. It furthermore illustrates the threefold concept of the best interests of the child: a substantive right, an interpretive principle and a rule of procedure. Obviously, each of three aspects above is illustrated by relevant decisions of ECHR. The author compares the best interests of the child principle with two principles of international law: protection of weaker party of legal relations and maintaining the balance between interests of parties in legal relations involving children. The aim of this study is to demonstrate a significant importance of implementation of the best interests of the child principle in legal framework of every democratic country. The findings suggest that this approach could certainly be useful for both countries with Common Law and Civil Law legal systems.

Keywords: The Best Interests of the Child; ECHR; Council of Europe; Democracy

BOOK OF ABSTRACTS

Promoting Multi-National Cooperation to Address Health, Mental Health and Substance Abuse Associated with Democracy and Human Rights: The RADAR Center Experience

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Abstract

Health, mental health, and substance use problems know no political boundaries and often have little regard for democracy and human rights. Addressing this issue requires cooperation across countries including those in conflict. The Regional Alcohol and Drug Abuse Research (RADAR) Center of Ben Gurion University of the Negev (BGU), established in 1996, has received international recognition and awards for its “contributions to scientific diplomacy through outstanding efforts in international collaborative research.” It has an extraordinary record of promoting innovative initiatives affecting policy, program decision making, democracy and human rights. European scientists, academicians, non-government agency personnel, volunteers, and others, including those in the war-torn region of Eastern European" are working with the RADAR Center to assess conditions and generate usable information about the impact of disasters on the health, mental health, substance abuse and well-being of people (e.g., refugees and women) for prevention, intervention, and policy purposes. The RADAR Center, built on basic organization principles of positive communication, cooperation, and coordination of efforts, in mutual trust and respect, has success beyond borders and across regions that will be of interest to participants of this international. Thus, this paper introduces Center's experience including the promotion of democracy and human rights.

Keywords: Mental Health; Substance Abuse; Democracy; The RADAR Center

Right to Mental Health as Distinct Right and Current Challenges with the Application of International Human Rights Law (IHRL)

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Abstract

In practice, we encounter several fundamental stigmas when it comes to the sphere of mental health including *de facto* and *de jure* discrimination, *non-consensual interference*, *involuntary admission/treatment*, *violence*, *exclusion from society* etc. Furthermore, although persons with disabilities are actual right holders, in practice these persons are still predominantly prejudiced. As nowadays mental health issue has come in international legal parlance, my conference presentation has several fundamental aims: a) to study mental health issue and its intersection to international human rights law through the perspective of existing international instruments as well as the practice of UN Human Rights bodies (such as the CRPD Committee), European Court of Human Rights (ECtHR), Inter-American Commission of Human Rights, African Commission on Human and People's Rights as well as their implementation in national practice; b) to unravel main stigmas existing in practice precluding the exercise of the right to mental health and analyze their main reasons; c) to propose concrete recommendations on what should be done both at normative and practical levels to ensure the effective enjoyment of the right to mental health. The research will mainly employ doctrinal, analytical, and comparative legal methods. Analyzing the main controversies related to the effective implementation of the right to mental health, the research will propose concrete recommendations on what should be done both at normative and practical levels in the sphere of mental health.

Keywords: Right to Mental Health; IHRL; ECtHR; UN Human Rights Bodies; IACHR; ACHPR

The Normative Framework of EU Migration Policy and their Protection Mechanisms

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Abstract

In recent years, Europe has had to respond to the most severe migratory challenge since the end of the Second World War. The unprecedented number of refugees and irregular migrants in the EU, exposed problems and gaps in EU policies on migration. In response to these challenges, the EU was forced to process some reforms for rebuilding its migration policies. Mentioned reforms were made taking into consideration four factors: reducing the incentives for irregular migration by addressing its root causes, saving lives and securing the external borders, establishing a strong EU asylum policy, and providing more legal pathways for asylum-seekers and more efficient legal channels for regular migrants. Since the migration issue has influenced not only the migrants but also the receiving EU member states and their population, in past 15 years EU had to make some mainc changes and amendments to the existing regulations to improve the procedures and human rights protection concerning migrants. The presented paper analyses the past migration regulation of EU, makes the comparative analysis of statistical data related to the past and current situation, studies the main challenges in regard with the human rights protection, underlines the main challenges and based on the mentioned analysis draws some recommendations to improve them.

Keywords: EU Migration Policy; EU Asylum Policy; Migrants; Human Rights

The Main Patterns of Migration towards EU - Case study of Georgia and Moldova

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Abstract

The European Union's migration policy is historically a sort of "liberal paradox", since it shows a liberal approach regarding the free movement of EU Member States' citizens within the Union's territory, while being rather restrictive when third-country nationals are concerned. Historically, international migration is often driven by various factors, including labor demand, social-economical situation, political conflicts in departure countries, that is why an effective policy impact is difficult to exert. The presented paper concentrates on migration flows non-EU states towards EU, in particular Georgian and Moldovan Cases. The mentioned two countries are the eastern partnership countries, both of them have an association agreement with EU and are equal in examining some rights and "privileges" in framework of EU Policy. Since the migration flows from Georgia and Moldova is very high, its important to mention that the EU is the largest "shelter" with USA and Russia for the migrants from Georgia and Moldova. The presented paper concerns the main patterns of migration from Georgia and Moldova to EU countries, outlines the main factors causing migration flows, the procedures for migrants in EU and the mechanisms for their protection.

Keywords: Migration; European Union; Georgia; Moldova; Member States

Towards an Effective EU Migration Policy - Legal and Economic Perspectives

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One of the main issues of the Lisbon Treaty adopted in 2009 was the strengthening of European cooperation in the field of immigration and asylum policy. The purpose of the Treaty of Lisbon was to strengthen the competence of the European Union in the mentioned field to strengthen the protection of human rights, judicial review and protection of democratic values. The Treaty of Lisbon promoted the principle of institutional balance in the EU's area of freedom, security and justice. In recent decades, the EU has developed a complex and diversified matrix of policy, legal and financial instruments that define cooperation with third countries in the management of migration, borders and asylum. These include visa facilitation agreements, a common agenda on migration and mobility, consultative processes, joint declarations and several financial frameworks. The migration is of interdisciplinary by nature, and its phenomenon should be studied from legal, economic and political perspective. Within the framework of the presented paper, the reasons for the ongoing migration in the EU over the last 10 years and its impact on the political and economic situation will be discussed; Based on the analysis, existing problems and challenges will be identified.

Keywords: Migration Policy; Mobility; European Union; Visa; Third Countries

Cultivating Trust Across Borders: eIDAS as a Blueprint for Global Digital Identity Assurance

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Abstract

Unlocking seamless cross-border interactions and instilling confidence in digital transactions have emerged as imperative goals in the modern digital landscape. This presentation delves into the dynamic realm of global digital trust, underpinned by a comprehensive exploration of the European Union's eIDAS regulation. Through a rigorous comparative analysis of diverse digital identity regulations worldwide, the session highlights the unique attributes that position eIDAS as a paramount benchmark for fostering trust in digital transactions. It scrutinizes eIDAS not merely as a regional framework, but as a visionary model poised to bridge geographical divides in the realm of digital identity assurance. Central to this analysis is the examination of how eIDAS champions a standardized digital identity framework, one that transcends borders and harmonizes practices across jurisdictions. This harmonization holds profound benefits for cross-border interactions, simplifying processes and reducing friction in an interconnected world. The presentation is designed to provide a deep understanding of the pivotal role played by eIDAS in reshaping the landscape of global digital trust. By shedding light on the comparative advantages it offers, and by delving into the benefits of a standardized digital identity framework, attendees will gain insights into a vital aspect of the digital future – where seamless, secure, and trusted cross-border interactions are not just a possibility, but a reality.

Keywords: Digital Trust; Borders; eIDAS; Digital Identity; European Union

Empowering Digital Citizens: Legal Rights Safeguarded through eIDAS in the Digital Age

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Abstract

In an era defined by rapid digitization, ensuring robust legal rights protection within digital transactions has taken center stage. This presentation delves into the paramount significance of safeguarding legal rights in the digital landscape, with a specific focus on the European Union's eIDAS regulation. Beginning with a compelling exploration of the intrinsic importance of preserving legal rights in the realm of digital transactions, the session lays the foundation for understanding the complexities and implications of this critical endeavor. It underscores the necessity of aligning digital practices with established legal frameworks to foster trust and accountability. Central to the discussion is a comprehensive examination of the eIDAS regulation's provisions crafted explicitly to assure legal rights in digital interactions. Delving into these provisions, the presentation unravels the intricacies of how eIDAS effectively addresses legal rights assurance within the evolving digital identity landscape. Moreover, the session supplements theoretical analysis with illuminating case studies that highlight the tangible outcomes of eIDAS in safeguarding legal rights. By showcasing real-world scenarios where eIDAS has facilitated secure and rights-respecting digital transactions, attendees gain a vivid understanding of the regulation's practical impact. This presentation serves as a comprehensive guide for understanding the pivotal role played by eIDAS in empowering digital citizens by preserving their legal rights. Through insightful analysis and tangible case studies, participants will emerge with a nuanced understanding of the dynamic interplay between legal frameworks and digital transactions, fostering a more secure and rights-centric digital future.

Keywords: Digital Citizens; Human Rights; eIDAS; Digital Age

Navigating the Digital Identity Landscape: Unveiling Significance, Challenges, and Authentication

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Abstract

In an interconnected world driven by digital interactions, understanding the intricate fabric of digital identity and authentication has become paramount. This presentation embarks on a comprehensive journey through the fundamental elements that shape the digital identity landscape. Commencing with an exploration of the very essence of digital identity, the session elucidates its definition and underscores its significance in modern society. As digital interactions permeate various aspects of life, the need to grasp the nuances of identity in the digital realm becomes ever more crucial. The presentation then navigates through the challenges that pepper the digital identity landscape. With rapid technological advancements, the complexities and vulnerabilities inherent in managing digital identities come to the fore. This section delves into the multifaceted challenges, from data privacy concerns to identity theft risks, that underscore the necessity for robust identity management systems. Central to the discourse is the role of authentication as the cornerstone of digital identity verification. The presentation unravels the various authentication methods and mechanisms that validate digital identities, elucidating their pivotal role in establishing trust and mitigating risks in online transactions. Through an insightful blend of theory and practical implications, this presentation equips participants with a comprehensive understanding of digital identity and authentication. Attendees will emerge with a heightened awareness of the significance of digital identity, a clearer grasp of the challenges faced, and a deeper insight into the critical role played by authentication in ensuring secure and seamless digital interactions.

Keywords: Digital Identity; Unveiling Significance; Authentication; Managment

Peculiarities of Using the State Language for Public Informing (Azerbaijan, Georgia, Armenia)

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Abstract

Since 2004, Azerbaijan, Georgia and Armenia have been involved in "European Neighborhood Policy", which, along with the sharing of other European values, indicates harmonization with the European legal system of their future legislation. In this sense, the legislation on state language is important, which has significant impact on the realizing the political consolidation of the state. The language for informing of public information plays a special role in the process of communicative unity of the state. Thus, it is important to compare the legal regulation of this area in terms of sharing experience of the language policy of the South Caucasus countries. The law of all three countries along with the possibility of the use of non-state language, determines its layout, the size, quantity of font, area and inscription, the quality of the illuminated inscription with respect to the state language. All three countries' laws ensure the preference of the text in the state language compared to the non-state language text. The legislation of all three countries in the South Caucasus provides for liability for violations of legal regulations related to the state language. None of them, in the Law on State Language, determine the specific form and form of liability for any violations and are limited to general instructions. The Law of Georgia, unlike the laws of the Republics of Azerbaijan and Armenia, defines the state bodies responsible for violating the legislation of Georgia on state language. In the South Caucasus countries, active legislative activities are being carried out for the effective functioning of the state language as a fixed means of information.

Keywords: State Language; Public Informing; South Caucasus Countries; Legislation

The Post-Soviet Era Through the Eyes of Georgian Authors of the 21st Century (According to Nino Kharatishvili's Novel - Lack of Light")

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Abstract

The subject of my study is post-Soviet era in the eyes of Georgian literature of the 21st century by the example of the novel "Lack of Light" by Nino Kharatishvili. The novel showcases Georgia of 90's by the example of inhabitants of common Tbilisi yard. Darkness, hunger, cold, bloodshed, drugs, criminal lords, murder, suicide – all these tragic realities and events force the characters to fight for survival. They become typical geezers, children of a typical environment, relevant to the dark era they live in, both literally and figuratively. Due to unstable criminal situation established in the country, their talents are buried. Their ambitions, childhood dreams and hopes to remain unreachable and unthinkable. The matter under inquiry is chosen due to the fact that many modern authors even today try to expose the results of the Soviet cultural and ideological expansion, which unfortunately wasn't limited to 70 years and still remains and makes itself felt even after the Soviet order came to an end. All of this is caused by the fact that on one hand, the literary-artistic analysis of already closed chapter of history can be much more objective (since it is free from censorship), and on the other hand, the circumstance that this matter is still relevant in the 21st century, is another confirmation that the imprint of the Soviet order is still quite evident in Georgian reality and has an impact on our everyday life, people's mindset and the way of life. Moreover, the aggressive and conquering policy of Russia, which constantly leaves its mark on Georgia (20% of the country is occupied in addition to creeping and mental occupation), makes it even more difficult to experience the feeling of finally leaving behind the Soviet era.

Keywords: Nino Kharatishvili, Modern Georgian Literature, History; Soviet and Post-Soviet Eras

Challenges of Protecting the Child's Right to Education in Georgia

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Abstract

One of the fundamental rights is the right the equal access to education. The right to education as one of the fundamental human rights is guaranteed in many international treaties. The mentioned documents collectively create guarantees of equal access to education, which must be unconditionally respected by the participating states. Despite the measures taken in Georgia, the education system is still facing many challenges. Realization of the right to equal access to education is still associated with such challenges as distance to the school, deficiencies in the school registration system, overcrowding, which in itself leads to a decrease in the quality of education and a limitation of equal access. Equal access to education is a problem for both ethnic minorities and socially vulnerable and deprived children. The right to education is guaranteed by the constitution of Georgia, and the state is obliged to create conditions for equal access to education for the population. The present paper is dedicated to the analysis of the mentioned challenges and aims to present some legal mechanisms for their solution in the future.

Keywords: Chid Rights; Education; Georgia; Equal Access; Legislation

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Freedom of Speech and Expression in Ancient Times and in a Global Society

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Abstract

The possibilities of the role of critical observer of free and independent media discussed in the paper are an important component of media policy in democratic countries. The content of the work is significant from both a practical and a theoretical point of view. Issues are explored using comparative media justice and logical research methods, on the example of freedom of speech and expression legislation in Europe and Georgia. Based on the above, the main purpose of the paper is to create a clear idea of the importance of independent media in the free expression of different opinions and the formation of informed public opinions. Private opinions of individuals can become public opinions. It's important for democratic media to present the abuse of state power by corrupt or tyrannical governments as the main means of control. The paper argues that the freedom of public expression of opinion and beliefs, however unacceptable to the established authorities, is a defining characteristic of the democratic system - it is the nature, the characteristic, of all media in European countries today. In this context, the paper assesses the importance of the traditional, classical protection of media freedom in the European press. In the early 19th century, as the British press fought against stamp duties, liberal thinkers Jeremy Bentham, James Mill and John Stuart Mill wrote in defense of press freedom. They offered a profound analysis of the role of the press in the cultivation of public life. Research has shown that this model of media freedom, this idea, is not a new phenomenon: to embrace differences and thereby enrich the field of knowledge and debate. The actions of rulers and the principles on which rulers' decisions are based. What's new is the sheer size of the modern media industry, which has taken a step toward a global society with major shifts in communication.

Keywords: Media; Democracy; Freedom of Thought; Source of Knowledge and debate

Constitutional and Legal Safeguards Ensuring the Right to Defence for the Accused

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Abstract

The accused holds a central role in the criminal justice process and possesses the fundamental right to safeguard their rights and interests throughout criminal proceedings. In terms of the right to protection, the accused should enjoy the highest degree of procedural safeguards. In general, criminal proceedings, the defence of the accused is upheld through a combination of constitutional and legal guarantees. Notably, constitutional guarantees such as the right to defence and the principle of a fair trial are of paramount importance. Article 31 of the Constitution of Georgia explicitly ensures the defendant's right to defence, while Article 8 of the Code of Criminal Procedure of Georgia emphasizes the defendant's entitlement to a fair trial - a right also enshrined in the Constitution, applicable to all individuals. The essence of the principle of a fair trial resides in affording the accused, as an active participant in the legal process, ample opportunities to safeguard their constitutional rights and interests. Furthermore, legal guarantees constitute another crucial facet of the right to defence. These encompass essential procedural powers granted to the accused, such as the right to legal representation, the ability to independently conduct investigations, the right to access evidence, the submission of motions, the pursuit of recusal, etc. The rights afforded to the accused also constitute integral components of the fair trial principle. In the event of a breach of the right to defence, wherein the accused is deprived of this fundamental right during the investigation or trial, such a violation is deemed substantial and provides valid grounds for the nullification of the verdict.

Key words: Criminal Justice Process; The Accused Person; Right to Defence; Legislation

Some Thoughts on the Gaps in Criminal Procedural Law

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Abstract

As you are already aware, the new Criminal Procedure Code of Georgia came into effect on October 1, 2010, ushering in a plethora of updates and innovations for Georgian society, accompanied by significant changes. These changes were driven by a persistent pursuit of legal perfection and a fresh perspective on various issues. Nevertheless, it is worth acknowledging that despite the legislator's earnest efforts to enhance and evolve the legal framework, certain inconsistencies and deficiencies persist within specific provisions, necessitating further refinement. Considering this, we would like to bring your attention to a few matters we consider substantial gaps and share our perspective on them. To begin, it's essential to note that the legislator does not address the social guarantees or compensation for self-employed jury candidates. Furthermore, the legislation incorporates intentional delays in the jury selection process, which can have detrimental effects on the trial proceedings and eventual outcomes. The appointment of a witness and victim coordinator, a decision made at the prosecutor's discretion, also raises contentious debates. Lastly, we will delve into the matter of searches and seizures, whether conducted with or without prior judicial authorization, which can infringe upon individuals' privacy by accessing their personal data and private correspondence.

Keywords: Criminal Law; Witness; Victim; Prosecutor, Judge; Privacy

The Right to Education and its Accessibility in the Autonomous Republic of Ajara

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Abstract

The right to education is an important constitutional human right. Ensuring access to the right to education in Ajara and the responsibility of the executive authorities with it is a subject of discussion by the society and professional circles. In order to exercise the right to education for citizens registered in the territory of the Autonomous Republic of Ajara, the relevant governmental bodies create programs and sub-programs. Pre-school educational, secondary, and higher educational institutions, without the financial support of the state, depending on the current needs, will not be able to lead educational activities independently. Therefore, it is necessary to establish control over the implementation of programs and sub-programs and increase its quality. In mountainous Ajara, the problem is the lack of modern technical and communication means, the shortage of labor resources (teachers and educators). In some rural schools, one teacher teaches several subjects. This problem will be eliminated by the establishment of a graduate student by a higher educational institution in a high mountain village school. Based on the current problems (poverty, shortage of staff, foreign institutions taking Georgian youths to study and their targeted financing), we consider it expedient to enroll a high school graduate from Ajara mountainous villages in a higher educational institutions. To conclude, the above-mentioned problems can be solved by joint work of the governmental bodies and educational institutions. In this paper the results of the activities carried out by the governmental bodies of the Autonomous Republic of Ajara are studied and suggested relevant recommendations.

Keywords: Right to Education; Autonomous Republic of Ajara, Programs; Sub-Programs

Legal Basis for the Establishment of the State Constitutional Commission

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Abstract

In 2016, by the resolution of the Parliament, the Constitutional Commission was established as a collegial body for developing the text of amendments to the Supreme Law of Georgia. According to the Organic Law of Georgia on normative acts, the resolution of the Parliament of Georgia is a normative act, which is adopted in cases directly provided for by the legislative act of Georgia. The above-mentioned law exhaustively defines the types of legislative acts, although the words "Constitutional Commission" are not found in any of them. The legal basis for the activity of the Constitutional Commission in 2009 was the implementation mechanism of "residual competence": "The President of Georgia, within the scope of his competence, issues a decree even if the relevant issue is not regulated by the legislative act". In 2009, the President of Georgia established the Constitutional Commission based on the delegated powers granted to him by this document. In addition, according to the then valid version of Article 102 of the Constitution, the President also had the right of constitutional initiative. Since 2010, "residual competence" has been transferred to the Government of Georgia, not absolutely, but still. However, the Government of Georgia is not authorized to intervene in the implementation of constitutional amendments, and it does not have the right to create a constitutional commission. Based on the legal analysis, it becomes clear that the Constitutional Commission was created by an unauthorized body and there is no legal basis for its creation at all.

Keywords: Constitutional Commission; Parliament; Legislative; Legal Basis; President

BOOK OF ABSTRACTS

CONFERENCE PROGRAM

September 29, 2023 – Jean Monnet Conference 2023

Arrival of participants/accommodation of participants

16:00-18:00 – Cultural Event/Batumi Conference Tour

September 30, 2023 – Jean Monnet Conference 2023

10:00-10:30 - Registration of Conference Participants

10:30-11:00 – Welcome and Opening Remarks

11:00-12:30 - Plenary Session

12:30-14:00 – Lunch

14:00-15:30 - Parallel Panel Sessions

15:30-16:00 – Closing of the Conference/Awards

16:00 – Free time/Departure of Participants

September 30, 2023, 10:30-11:00 - Welcome and Opening Remarks (Room #55)

Prof. Malkhaz Nakashidze, Jean Monnet Chair, Batumi Shota Rustaveli State University

Prof. Merab Khalvashi, Rector of Batumi Shota Rustaveli State University

Prof. Levan Jakeli, Dean of the Faculty of Law and Social Sciences

Prof. Marina Giorgadze, Head of the Department of Strategic Development and International Relations Batumi Shota Rustaveli State University

11:00-12:30 – Plenary Session (Room #55)

Plenary Session I. European Studies in the European and National Perspectives

Co-Chairs: Prof. Malkhaz Nakashidze, Jean Monnet Chair, Batumi Shota Rustaveli State University, Georgia, Prof. Carp Radu, University of Bucharest, Romania

1. Prof. Dr. Günter Reiner, Helmut Schmidt University Hamburg, Germany - The Rule of Law in Private Law and the Good Faith Principle: A German Perspective?

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2. Prof. Nino Lapiashvili, Director of the Institute for European Studies, Ivane Javakhishvili Tbilisi State University, Georgia - Impact Assessment of the proposed draft law on 'Foreign Agents'/'Foreign Influence' on the democracy promotion and Europeanisation agenda of Georgia
3. Prof. Carp Radu, University of Bucharest, Romania - The European Union perspective on the rule of law - an analysis of the current framework
4. Prof. Guranda Chelidze, Caucasus University, Prof. Ekaterine Kardava, Caucasus University, Gori State University, Georgia - Importance of Obligatory Nature of European Studies in the Policy of High Education of Georgia
5. Prof. Andreas Brunold, University of Augsburg, Germany - The Plastic Waste crisis in the EU: Options for action in context of European sustainability policy - a Simulation Game for EU-related Learning and Teaching in Education for Sustainable Development

12:30-14:00 – Lunch

14:00-15:30 - Parallel Panel Sessions I

Panel I. The European Union Policies, Member States and Global Challenges (Room #42)

Co-Chairs: János Varga, Agnes Csiszárík-Kocsir, Obuda University, Hungary

1. János Varga, Agnes Csiszárík-Kocsir, Obuda University, Keleti Károly Faculty of Business and Management - The importance of a fair procedure in the long-term delivery of EU green policies and targets
2. Ágnes Csiszárík-Kocsir, János Varga, Obuda University, Keleti Károly Faculty of Business and Management - The problem of financial exclusion in the 21st century based on the results of a Hungarian primary research
3. Kongwen GUAN, Huilin YANG, Jin YAN, Renmin University of China, China - The Human Rights and Gender Equality Issues of the Climate Diplomacy of the European Union and the Implications
4. Uğur Tekiner, PhD Candidate, University of Cambridge, UK - The Post-1990 SPD between Idealistic Pro-Europeanism and Domestic Ideological Priorities in Germany

Panel II. European Union: Think Tanks, Civil Activism, Media, and Human Rights (Room #43)

Chair: Prof. Juergen Mittag, German Sport University Cologne, Germany

1. Prof. Juergen Mittag, German Sport University Cologne, Germany - Offers and Constraints of EU sport diplomacy with regard to human rights and democracy
2. Tetiana Ivaniukha, Associate Professor, Zaporizhzhya National University, Ukraine - Ensuring child rights and interests in media: European and Ukrainian standards and practice
3. Yiwei Wang, Minnong Duan, Renmin University of China, China - From Diplomatic Practice to Diplomatic Philosophy: How the EU and China view Multilateralism

Panel III. The European Union, Sport Policy, Data Protection, Economic Challenges (Room #32)

BATUMI SHOTA RUSTAVELI STATE UNIVERSITY

35/32 Ninoshvili/Rustaveli str. 6010, Batumi, Georgia

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Chair: Kristina Misheva, Goce Delchev University - Stip, North Macedonia

1. Kristina Misheva, Goce Delchev University - Stip, North Macedonia - The right to participate in sport VS privacy and data protection regulation
2. Kosjenka Dumančić, Associate Prof. Dr., Dr. Kristijan Poljanec, University of Zagreb, Faculty of Economics and Business, Croatia - Revisiting the Online Platforms' Liability for Storing Illegal Content under the New Digital Services Act
3. Plotnic Olesea, Phdhab, University Professor, Alexandru Ioan Cuza University, Lisnic Iurie, Public Servant Within State Chancellery of the Republic of Moldova, Tofan Mihaela, Phd, University Professor, Alexandru Ioan Cuza University, Romania - Empowering Consumer Rights by Fostering Digital Tools for a European Public Space
4. Fală Nicolae, University lecturer, Free International University of Moldova (ULIM), Plotnic Olesea, PhD., University professor, Moldova State University, EU4JUST Jean Monnet Coordinator, Moldova - The Social and Economic Foundations of Pauline Action
5. Edisheri Gamgoneishvili, Caucasus University, Georgia - Judicial and legislative analysis of partnership relations and system functionality of the company

Panel IV. The European Union, Rule of Law, and Protection of Human Rights (Room #44)

Chair: Dr. Melih Uğraş Erol, Izmir University of Economics, Turkey

1. Dr. Melih Uğraş Erol, Izmir University of Economics, Turkey - Had Turkey, A Candidate State to the EU, Met the EU Requirements on Minority Issues? Specific Attention to Legally Unrecognized Minority Groups
2. Olena Lefterova, PhD student, Odesa Mechnikov National University, Ukraine - The best interests of the child principle as applied in European Court of Human Rights case law

Panel V. Right to Mental Health in Context of Democracy and Human Rights (Room #34)

Chair: Giorgi Chakhvadze, Batumi Shota Rustaveli State University, Georgia

1. Prof. Richard Isralowitz, Prof. Alexander Reznik, Ben Gurion University of the Negev, Israel - Promoting Multi-National Cooperation to Address Health, Mental Health and Substance Abuse Associated with Democracy and Human Rights: The RADAR Center Experience
2. Giorgi Chakhvadze, PhD Student, Ivane Javakhishvili Tbilisi State University, Visiting Lecturer, Batumi Shota Rustaveli State University - Right to Mental Health as distinct right and current challenges with the application of Internatinal Human Rights Law (IHRL)

Panel VI. Legal Responses of EU Migration Crisis (Room #21)

Chair: Mariam Jikia, Georgian Technical University

1. Maka Abuladze, Georgian Technical University - The Normative framework of EU Migration Policy and their Protection Mechanisms

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2. Ketevan Jincharadze, Georgian-American University, Anuki Abashidze, Georgian Technical University - The Main Patterns of Migration towards EU - Case study of Georgia and Moldova
3. Mariam Jikia, Georgian Technical University, Ketevan Marshava, Tbilisi State University - Towards an Effective EU Migration Policy - Legal and Economic Perspectives

Panel VII. Digital Identity and Legal Rights: The EU's eIDAS Regulation as a Model for Global Digital Trust (Room #20)

Chair: Muhammad Abdullah Hamid, University of the Punjab, Pakistan

1. Ifrah Dar, University Law College, University of the Punjab, Pakistan - Cultivating Trust Across Borders: eIDAS as a Blueprint for Global Digital Identity Assurance
2. Isha Fatima, University Law College, University of the Punjab, Pakistan - Empowering Digital Citizens: Legal Rights Safeguarded through eIDAS in the Digital Age
3. Noman Cheema, University Law College, University of the Punjab, Pakistan - Navigating the Digital Identity Landscape: Unveiling Significance, Challenges, and Authentication

Panel VIII. Education, State Languages and Humanities: The European Perspective (Room #17)

Chair: Prof. Murman Gorgoshadze, Batumi Shota Rustaveli State University, Georgia

1. Murman Gorgoshadze, Professor, Batumi Shota Rustaveli State University - Peculiarities of using the state language for public information (Azerbaijan, Georgia, Armenia)
2. Ana Gogilashvili, Doctor of Philology, Assistant Professor, Sulkhani-Saba Orbeliani university - The Post-Soviet Era Through the Eyes of Georgian Authors of the 21st Century (According to Nino Kharatishvili's Novel - Lack of Light')
3. Magda Japharidze, PhD student, University of Georgia, Challenges of Protecting the Child's Right to Education in Georgia
4. Ia Makharadze, Georgian National University, Georgia - Freedom of Speech and Expression in the ancient era and in the global community

Panel IX. Some Contemporary Challenges in Criminal and Constitutional Law (Room #16)

Chair: Givi Abashidze, Associate Professor, Batumi Shota Rustaveli State University, Georgia

1. Givi Abashidze, Associate Professor, Batumi Shota Rustaveli State University - Constitutional and legal guarantees of the accused's right to defense
2. Irakli Abashidze, Assistant, Batumi Shota Rustaveli State University - Some Aspects of Gaps in Criminal Procedural Legislation
3. Nikoloz Megrelashvili, PhD student, University of Georgia, Visiting Lecturer, Batumi Shota Rustaveli State University - The right to education and its availability in the Autonomous Republic of Adjara
4. Davit Samnidze, Visiting Lecturer, Batumi Shota Rustaveli State University - Legal basis for the establishment of the Constitutional Commission

DEMOCRACY, RULE OF LAW, AND PROTECTION OF HUMAN RIGHTS IN THE EUROPEAN UNION

BOOK OF ABSTRACT

EDITED BY

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