Switzerland

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I. DIRECT DEMOCRACY – REALM, LIMITS, AND LEGITIMIZING CAPACITY

1. Federal Supreme Court: Switzerland's Gallic village held by the indomitable political parties

In a series of referenda held in 2021, Swiss citizens extended civil marital status to male-male and female-female couples (*same-sex marriage;* see para. I/2 below), *banned wearing face coverings* in public (see para. I/1 below), and approved government measures to curb the spread of the coronavirus disease 2019 (COVID-19) not once, but twice. Rallies against the measures subsided after the second referendum of 28 November 2021, bearing witness to the *legitimizing capacity of direct democracy.* Direct democracy is pervasive in Switzerland.[1] *In 2021 this was, inter alia*, exemplified by a popular initiative seeking to amend the Swiss Federal Constitution[2] with a clause barring the Federation from purchasing 'combat aircraft of the type F-35'.[3] Alluding to the introduction to each of the 'Adventures of Asterix', a French comic book series, one would be forgiven to suspect that the Swiss political landscape is 'entirely occupied' by direct democracy – only to conclude: 'Well, not entirely…'.[4] Direct democracy may have swept through the Swiss political system like a tidal wave since the late 19th century, but the federal judiciary has remained in the firm grip of the political parties. It is virtually impossible to be elected judge at the Federal Supreme Court as a candidate unaffiliated with one of the political parties represented in Federal Parliament. Swiss citizens, on 28 November 2021, nevertheless *rejected* a constitutional amendment that sought to distance the Court from the realm of party politics. The Federal Supreme Court thus continues to bear resemblance to the 'one small village of indomitable Gauls' that 'still holds out against the invaders'[5] (see para. I/3 below).

2. 'Institutional Agreement EU-Switzerland': limits of direct democracy in foreign affairs

The limits of the sphere of direct democracy became manifest in other respects: On 26 May 2021 the Federal Council, the executive branch of federal government, decided to walk away from the negotiations on an 'Institutional Agreement European Union [EU]-Switzerland'.[6] Unilaterally abandoning these talks risks eroding the dense web of bilateral agreements between Switzerland and the EU. Despite these potentially far-reaching ramifications, it was for the Federal Council alone to take this decision, owed to its responsibility for foreign relations[7]. Such resolutions lie beyond the reach of direct democracy since referenda presuppose an enactment by Federal Parliament. Popular initiatives, in contrast, seek to amend the Federal Constitution. While it is conceivable to commit the Federal Council to initiate treaty negotiations by way of a constitutional amendment, the latter cannot prejudge the outcome of negotiations. Popular initiatives are, furthermore, a lengthy undertaking, often requiring more than three years from launch to vote. Popular initiatives are therefore ill-suited to adequately respond to changing dynamics in foreign policy.

II. MAJOR CONSTITUTIONAL DEVELOPMENTS

1. Constitutional ban on wearing face coverings in public

Swiss citizens approved two constitutional amendments at the ballot box in 2021: the popular initiative *'For strong nursing care (Nursing Initiative)'* aimed at making nursing jobs more attractive, inter alia, by offering higher pay, professional autonomy, and improved training opportunities,[8] and the initiative *'Yes to the ban on concealing the face'*. According to this constitutional amendment, supported by 51.2 percent of the votes cast, no person 'may conceal his or her face in public space or in places being accessible to the public or in which services are provided that are ordinarily accessible to everyone'; 'places of worship' are exempt.[9] The amendment also prohibits 'coercing a person to conceal his or her face because of his or her gender.' The article is, despite its neutral wording, primarily directed at women wearing a niqab or a burqa as it only allows for narrowly tailored exceptions ('health, safety, climatic conditions, and local customs') but not religion. The European Court of Human Rights (ECtHR) previously upheld comparable bans on face-veils enacted in France and Belgium.[10]

2. Extending civil marital status to same-sex couples through the democratic process

All courts and administrative agencies, including the Federal Supreme Court, are bound to apply federal acts decided by Federal Parliament even in the event that they are found to be unconstitutional.[11] Legislation by Federal Parliament is thus pivotal in defining the realm of constitutional rights such as the '[t]he right to marry and to have a family'[12]. The Constitution fails to provide for a textual definition of 'marriage'. A parliamentary motion entitled *'marriage for all'* aimed at amending the Civil Code, a federal act, to allow same-sex couples to marry. In the ensuing debate whether 'marriage for all' presupposed an amendment to the Federal Constitution the Federal Office of Justice (FOJ), in a legal opinion, stated that the right to marry was, when enacted in the 19th century, primarily intended to bar the subnational units (cantons) to deny persons to marry on the grounds of religion, denomination or poverty. Fundamental redefinitions of marriage such as equal treatment of children born in and out of wedlock or of husband and wife were hence introduced without any amendments to the Constitution. Critics, in contrast, cited statements made in Parliament in the debates on the revised Federal Constitution of 1999, defining marriage as a union of a man and a woman, arguing that such accounts would reflect the relevant meaning of the right to marry.

As federal acts are binding upon courts, such constitutional controversies are ultimately settled by Federal Parliament and, in the event of a referendum launched, by the citizens themselves: On 26 September 2021, 64.1 percent of the votes cast were *in favor* of the amendment to the Federal Civil Code to include 'marriage for all'. The amendment was approved in all the 26 cantons.[13] The expansion of marriage was thus decided 'through the democratic process' by 'the people' rather than by the courts – or merely 'five lawyers' as it has been polemically put elsewhere.[14]

3. Election of judges to the Federal Supreme Court: representative judiciary or patronage system?

The judges of the Federal Supreme Court are elected by the two chambers of Federal Parliament in a joint session for a term of six years.[15] Having the right to vote in federal matters forms the sole requirement to stand for election. Any Swiss citizen 'over the age of eighteen' not lacking 'legal capacity due to mental illness or mental incapacity'[16] may therefore stand for election to the Court. In practice, however, all judges at Switzerland's highest courts are lawyers. Based on a long-standing political convention, seats at Switzerland's highest court are allocated according to the principle of *'voluntary party proportional representation'* based on the relative electoral strength of the political parties in federal elections. A party having won, for instance, 13 percent of the votes in the most recent federal elections can claim 5 of the currently 38 seats at the Federal Supreme Court, albeit incumbent judges have thus far never been denied re-election to adjust for exact representation. As a result, *all members of the Court are members of political parties* or are at least closely affiliated to one. This is despite the task of the 'Judiciary Committee', a select committee of 17 members of Federal Parliament, to issue recommendations to Parliament on candidates standing for (re-)election to the Court. These evaluations are based on criteria such as legal training, professional experience, gender, or native language and take place behind closed doors.

Under the presumption that a candidate's affiliation to one of the eleven political parties currently represented in Federal Parliament forms a valid criterion to assess a judge's values and personal conviction, the convention of 'voluntary party proportional representation' should ideally provide for a (more) *representative judiciary* of the Federal Supreme Court, broadly mirroring the many ideologies and worldviews prevalent among the Swiss population at large. For candidates refusing to be closely associated with a political party, however, it is 'very difficult, if not impossible' to be elected judge at the Court no matter how qualified they might be.[17] Some features of the political convention of 'voluntary party proportional representation' even resemble a patronage system: Judges at the Court are, depending on the party they are a member of, expected to pay a fixed or proportional part of their salary – usually between 2 and 8 percent of their gross wage amounting to around Swiss Francs 355,000 (EURO 367,000) p.a. – to their party as a so-called 'salary tax' or 'union fee'.[18] The 'Group of States against Corruption' (GRECO), a body established by the Council of Europe, rightfully denounced this practice as 'a form of retrocession that is clearly contrary to the principles of independence and impartiality' of the judiciary.[19] The political parties themselves defend this practice with reference to the lack of party financing by public funds. In essence, however, the convention of 'voluntary party proportional representation' is nothing short of a cartel from which all members benefit beyond the infamous 'salary tax' or 'union fee': Every single party represented in Parliament, no matter how small it may be, becomes a gatekeeper of the judiciary. Those who wish to maintain their prospects of nomination must

cultivate ties with the party leadership and undertake grassroots work within the party.

The popular initiative 'Designation of federal judges by lot' (Judiciary Initiative)', rejected at the ballot box on 28 November 2021,[20] sought to deprive the political parties of their function as gatekeepers of the judiciary by appointing the judges of the Federal Supreme Court by lot. A panel of independent experts, elected by the Federal Council for a single term of twelve years, would have been entrusted with the task of deciding on the candidates admitted to the draw proceedings. This decision would have been made solely based on objective criteria of professional and personal suitability. The flip side of the coin is that this would have severed the ties between the Court and Parliament, the only federal authority elected by the People.

III. CONSTITUTIONAL CASES[21]

A [Caster Semenya] v International Association of Athletics Federation (IAAF) ATF 147 III 49 (Swiss Fed. SCt.): discrimination of intersex people competing in professional sports

The 'Court of Arbitration for Sport' [CAS] is an international body resolving disputes arising in the context of sport by arbitration headquartered in Lausanne, Switzerland. The Federal Supreme Court is entrusted to set aside an international arbitral award on appeal on very narrow grounds only, *inter alia,* due to the incompatibly of the award with the Swiss *'ordre public'* (French; English: 'public order').[22]

Semenya, a professional South African middle-distance runner, had filed an appeal with the CAS against regulations of the 'International Association of Athletics Federations' (IAAF), linking the eligibility to take part in women's competitions to a certain maximum (natural) testosterone level. *Semenya*, an intersex woman, has genetically elevated testosterone levels exceeding the threshold set by IAAF. CAS held that having separate competitions for men and women was justified due to the difference in performance between men and women that are, according to the CAS, predominantly caused by different testosterone levels of the two sexes. Linking the right to compete in professional athletics to the testosterone level would, according to the Arbitration Court, hence be necessary on the grounds of fairness and equality of opportunity. The CAS further held this criterion to be proportionate as women with naturally elevated testosterone scores would have the opportunity to lower their testosterone levels by appropriate and safe medication.

Semenya filed an appeal against the CAS's verdict with the *Federal Supreme Court* arguing that the decision by the CAS is incompatible with Switzerland's *'ordre public matériel'* (French; English: 'substantive public order'). The Court first held the waiver of the right to appeal contained in the IAAF regulations and invoked against the appellant to be invalid, as the waiver failed to amount to an 'agreement of the parties' based on mutual consent as required by relevant Swiss federal law. According to the Court's case law, an arbitral award is deemed incompatible with the *'ordre public matériel'* should it violate 'fundamental principles of substantive law' to such an extent that it can no longer be reconciled with the values underpinning Switzerland's legal order. These principles include, among others, the principle of *pacta sunt servanda*, the rule of good faith, the prohibition of the abuse of rights, and the prohibition of discrimination. The Federal Supreme Court, however, highlighted that the violation of fundamental rights enshrined in the Federal Constitution, or the European Convention on Human Rights does not, in itself, amount to an incompatibility with the *'ordre public matériel'* as fundamental rights in general and the prohibition of discrimination in particular exert only limited horizontal effects between private subjects, if any. The Court acknowledged not only that the relationship between a professional athlete and an international sports federation 'bear certain similarities to that between an individual and the State' due to its 'highly hierarchical structure', but also that the eligibility requirements set forth by the IAAF were 'prima facie discriminatory'. Ultimately siding with the CAS, the Court nevertheless stated that such differentiation can reasonably be deemed a *suitable, necessary, and proportionate* measure to ensure fair competition and thus failed to amount to a breach of Switzerland's *'ordre public matériel'*. Given the narrow grounds on which the Federal Supreme Court is entitled to set aside an international arbitral award, the Court therefore dismissed *Semenya's* appeal and upheld the CAS's decision. *Semenya* subsequently filed an application with the ECtHR.[23]

2. A [Jean-Luc Addor] v Public Prosecution Service of the Canton of Valais 6B_644/2020 (Swiss Fed. SCt.): Freedom of expression and hate speech by a Member of Federal Parliament

On 22 August 2014, a shooting took place in a mosque in the Swiss city of St Gall (St. Gallen) in which a 51-year-old man was killed. The website of a free Swiss daily newspaper ran an article on the incident with the headline 'Mosque shooting leaves one dead', written in bold type and accompanied by a photograph showing the mosque's empty prayer room. The caption to the picture stated that, according to a witness, 300 people were in the mosque at the time. *Jean-Luc Addor,* a member of Federal Parliament since 2015 and an experienced lawyer, shared the article on 'Twitter' with the following comment in French: *'On en redemande!'* (English: 'We want more of this!'). *Addor* also posted the same comment on 'Facebook', sharing a link to the article in question. Thirteen minutes later, Addor posted a message on the same social networks asking whether his 'irony' was 'being understood'. Approached by a journalist two days later, *Addor* stated in an e-mail that the terms used by him 'should not be taken at face value (or literally)', insisted that he 'never intended to call for anything' and described his comment as 'a moody reaction to a disturbing event'.

The District Court of Sion nevertheless found *Addor* guilty of discrimination and incitement to hatred under article 261bis of the Swiss Federal Criminal Code, according to which 'any person who publicly incites hatred or discrimination against a person or a group of persons on the grounds of their race, ethnic origin, religion, or sexual orientation … shall be liable to a custodial sentence not exceeding three years or to a fine.' The court of appeal of the Canton of Valais dismissed *Addor's* appeal.

The Federal Supreme Court, on *Addor's* further appeal, stressed that the article of the Criminal Code on discrimination and incitement to hatred should be interpreted 'in the light of freedom of expression'. The Court highlighted that it was essential in a democracy that not only opinions disliked by a majority but even statements that would offend many people could be expressed freely. Statements made in a political debate should, according to the Court, 'not be interpreted in a strictly literal manner as simplifications and exaggerations are common in such a context'. Still, the Court found that, as confirmed by most of the comments made by readers to *Addor's* posting, the 'average uninformed reader', understood the post *'On en redemande!'* in a literal sense 'as a call for a repetition of a fatal exchange of gunfire that had taken place … in a mosque between followers of the Islamic religion.' Such statements went, the Court found, far beyond criticism that in a democracy sometimes would be required to 'be levelled at certain population groups'. With regard to his subjective motives, the Court further pointed to the fact that *Addor* deliberately chose to express himself in vague yet brutal terms which, taken literally, amounted to 'a call to repeat a murder committed in a mosque'. Given the wording used by *Addor,* he, according to the Court, at least consciously accepted the risk to be understood in a literal sense thus inciting hatred 'against members of the Muslim community' as a religious group. Against this backdrop, the Court upheld *Addor's* conviction and dismissed his appeal.

3. A v Municipality of Auenstein and Others ATF 147 I 346 (Swiss Fed. SCt.)*:* 'smart meters' and the right to privacy

Water supply is a task carried out by the more than 2,000 municipalities of Switzerland. The Local Council of the Municipality of Auenstein (Canton of Aargau) decided to convert all of the water meters that were installed in private household from conventional models to electronically readable and radio-controlled devices. Conventional devices were metered by an employee of the municipality to determine the amount of the water consumed in the respective household. Electronic meters, in contrast, would measure, among other things, the hourly water consumption as well as the maximum and minimum flow rate per hour. The device would not only store the data locally for 252 days but transmit them in encrypted form by radio every 30 to 45 seconds. The data could be received by a password-protected readout device of the water supplier from a certain distance (walk-by, drive-by). In the municipality in question, this was done only once a year for billing purposes, transmitting the current meter reading only, without the hourly values of the last 252 days. 'A', a resident of Auenstein, petitioned the Local Council to limit the functions of the electronic meter to the previous model. The Local Council dismissed the petition but granted 'A' the option to restrict certain functions of the new device at his own expense. 'A's appeal against this decision was rejected by the Administrative Court of the Canton of Aargau.

On further appeal, the Federal Supreme Court held that data on water consumption were 'personal data' at least to the extent as such data would allow others to draw conclusions from them as to daily routine of the residents of said building or flat. Such data would thus fall under the fundamental right to privacy in general and the *constitutional right to be protected against the misuse of personal data* in particular. The Court determined that a legal basis allowing the Municipality both to store the data for 252 days and to transmit data every 30 seconds was lacking. The Court, however, acknowledged that radio transmission would lead to higher operational efficiency and was therefore in the *public interest* as municipal staff would no longer have to access each building to read the meter. Regarding whether such data collection was *proportionate*, the Court noted that the measure was *suitable* to achieve the intended purpose (billing). According to the Court, the *necessity* to collect a wide array of data was lacking as merely the value on the day of the (annual) meter reading (as opposed to both the hourly water consumption of the last 252 days and the emittance of such the data every 30 seconds) was required for billing purposes. The undisputed fact that all data were well protected, and misuse could virtually be ruled out, did, in the eyes of the Court, not eliminate the lack of necessity. To rule otherwise would, according to the Court, render the principle of necessity as an element of proportionality irrelevant should an entity be able to prove that the collected data were securely stored. Such a result would, however, go against the principles of data avoidance and data economy. These principles are, as the Court rightly pointed out, in the interest of the citizens as 'non-existent data cannot be misused.' The Court thus upheld the appeal in part and remitted the case back to the Local Council for reassessment in light of the Court's findings.

IV. LOOKING AHEAD

Switzerland's fragile relations with the European Union (see para. I/2 above) will remain at the top of the political agenda in 2022. Not only is it still unclear whether the Federal Council will succeed in 'revitalizing' the relations between Switzerland and the EU and 'stabilizing bilateral cooperation' but Swiss citizens will be called upon deciding on Switzerland's financial and personnel support to *'Frontex',* the European Border and Coast Guard Agency, in a *referendum* on 15 May 2022. Based on the 'Schengen Association Agreement' of 2008,[24] Federal Parliament decided to fund 4.5 percent of Frontex's overall budget for the period of 2021–2027. The feature of Swiss constitutional law to frame questions that are in many other jurisdictions traditionally decided by constitutional courts as matters for Parliament and then, in case of a referendum, for citizens to ultimately decide as described in para. II/2 above regarding the referendum on 'marriage for all', will resurface again. With respect to *organ donation,* Swiss citizens will be called to decide whether the current opt-in system (organ donors are those who have explicitly declared their willingness to donate their organs) will be replaced by an opt-out system (organ donors are those who have not expressed their opposition to donating their organs), thus calibrating the *constitutional right to physical integrity after death.*[25]

1 Johannes Reich, 'An Interactional Model of Direct Democracy: Lessons from the Swiss Experience' (2008) 13–21, SSRN <http://dx.doi.org/10.2139/ssrn.1154019>.
2 Swiss Federal Constitution [Federal Constitution], 18 April 1999 <https://www.admin.ch/opc/en/classified-compilation/19995395/index.html> (non-official English translation).
3 See Federal Chancellery, 'Initiative populaire fédérale 'Contre le F-35 (stop F-35)" <https://www.bk.admin.ch/ch/f/pore/vi/vis517.html>.
4 E.g. René Goscinny &Albert Uderzo, *Asterix in Switzerland* (first published 1973, Orion 2014) 4.
5 *Ibid*.
6 See Johannes Reich, 'Switzerland' in Richard Albert et al. (eds), *2018 Global Review of Constitutional Law* (2019) 298–302, 302.
7 Federal Constitution (n. 2), article 184(1).
8 Federal Constitution (n. 2), articles 117c & 197(12).
9 Federal Constitution (n. 2), article 10a.
10 See *SAS v France* App No 43835/11 (ECtHR, 1 July 2014), *Dakir v Belgium* App No 4619/12 (ECtHR, 11 July 2017.
11 Federal Constitution (n. 2), article 190; in more detail Johannes Reich, 'Verhältnis von Demokratie und Rechtsstaatlichkeit' ['The Relation between Democracy and the Rule of Law'] in Oliver Diggelmann et al (eds), *Droit constitutionnel suisse. Volume 1* (Schulthess 2020) 333–55 <https://doi.org/10.5167/uzh-184637>.
12 Federal Constitution (n. 2), article 14.
13 See Federal Chancellery, 'Votation No 647' <https://www.bk.admin.ch/ch/f/pore/va/20210926/det647.html>.
14 See *Obergefell v. Hodges*, 576 US Supreme Ct 644, 686–8 (2015) (Roberts, C. J., dissenting).
15 See Federal Constitution (n. 2), articles 168(1), 157(1a) and 145.
16 See Federal Constitution (n. 2), articles 143 and 136(1).
17 Group of States against Corruption [GRECO] 'Fourth Evaluation Round: Evaluation Report Switzerland' (2016) 28/n. 99.
18 Ibid. 30/n. 109.
19 Ibid. 29/n. 100.
20 See Federal Chancellery, 'Votation Populaire du 28.11.2021' <https://www.bk.admin.ch/ch/f/pore/va/20211128/index.html>.
21 Judgments of the Swiss Federal Supreme Court are available at <https://www.bger.ch>.
22 Federal Act on Private International Law, 18 December 1987, No 291, articles 191 & 190(2e). <https://www.fedlex.admin.ch/eli/cc/1988/1776_1776_1776/en> (non-official English translation).
23 *Semenya v Switzerland* App No 10934/21 (ECtHR, communicated case, 3 May 2021).
24 On the 'Schengen Association Agreement' see Johannes Reich, 'Switzerland' in Richard Albert et al. (eds), *2019 Global Review of Constitutional Law* (2020) 333–7, at 333–4.
25 See Federal Constitution (n. 2), article 10(2) (right to 'physical integrity'); see also *W v Administrative Court of the Canton of Geneva and Others* ATF 129 I 302, 309 (Swiss Fed. SCt.) (according to which this right 'extends beyond death and allows every person to determine in advance the fate of his or her remains, and to protect against any unlawful intervention, whether it be organ removal or autopsy').

The Democratic Republic of São Tomé and Príncipe

We discuss controversial and consequential measures adopted by the government in the context of COVID-19 pandemic in 2020. There were no major constitutional changes or relevant political conflicts, despite the absence of certain legislation. The legislative agenda led to the approval of relevant acts and the Constitutional Court adopted relevant decisions on considering its recent and controversial autonomy process in relation to the Supreme Court of Justice and, consequently, the conflicting about general election process of 2018 and presidential election of 2021.

Serbia

The change in The Serbian Constitution of 2006 has paved the path for possible future changes. The recent change concerns only the election of the judiciary and removes this power from The Parliament transferring it to other specialized bodies. While the transparency will be lower, the Government argues that this way the influence of politics will be lowered.

Slovakia

Constitutional development in Slovakia continued to be affected by the global pandemic, which resulted in another lockdown. The Constitutional Court decided important cases on the constitutionality of an early dissolution of a Parliament via a referendum, prosecution of corruption and detention of high-profile figures and second, the pandemic.

Slovenia

Like in 2020, in 2021 too, the legislature and the government responded to the rapid spreading of the Covid-19 disease and the exponentially rising number of cases, by quickly adopting legislative and executive measures newly constraining several constitutional rights. These cases presented the bulk of the Constitutional Court's 2021 jurisprudence.

South Korea

From the first day of 2021, mothers who seek abortion and the medical doctors who perform the operations are no longer punishable. This may change following new legislations, but the previous system of ban on all abortions with narrow exceptions are gone for good.

Spain

The legal action against the coalition government's pandemic response has been an opportunity for the Constitutional Court to produce a complex doctrine on issues which are extremely important for constitutional law, such as the difference between limiting and suspending rights in exceptional circumstances.

Sweden

2021 was a stormy year to be the prime minister of Sweden. Stefan Löfvén lost a vote of no confidence in the parliament and Magdalena Andersson was elected as the first female PM of Sweden. Andersson ended up resigning the same day, before resuming her post a few days later.

Switzerland

In a series of referenda, Swiss citizens extended civil marital status to male-male and female-female couples (same-sex marriage), banned wearing face coverings in public, approved government measures to curb the spread of COVID-19 twice, and rejected a constitutional amendment seeking to determine the judges of Switzerland's highest court by lot.

Taiwan

2021 is the year of transition. Constitutional developments within and without the judicial forum – from constitutional reform to the phase-in of new procedural rules for constitutional review to experiences with referendum and other institutional channels of popular mobilization –all suggest that Taiwan's constitutional order is on the cusp of change.

Thailand

The Constitutional Court regarded a street campaign that called for a reform of Thao monarchy unconstitutional, reasoning that it amounted to an overthrow of the democratic regime with the king as the head of state, therefore, the Constitutional Court effectively closed any venue for compromise.

Tunisia

In 2021, Tunisia was the star of autocratization in the world, from one of the quickest democratizing countries to the star of autocracies. If this constitutional year has a name, it will be "deconstitutionalization."

Turkey

2021 was a year filled with judicial reforms, political turmoil and extreme wildfires in Turkey. Two notable events from 2021, namely the pro-Kurdish party dissolution case and the Council of Europe's infringement procedure will have serious implications in terms of democracy, human rights and rule of law in the country.

Ukraine

Even though 237 MPs registered one constitutional amendment draft, no active constitutional process is observed in Parliament. However, a political confrontation between the President and the Constitutional Court commenced in 2020, balancing between escalation and inaction, continued during the reporting year.

United Kingdom of Great Britain and Northern Ireland

Reform of the Human Rights Act 1998 is on the agenda. The Independent Human Rights

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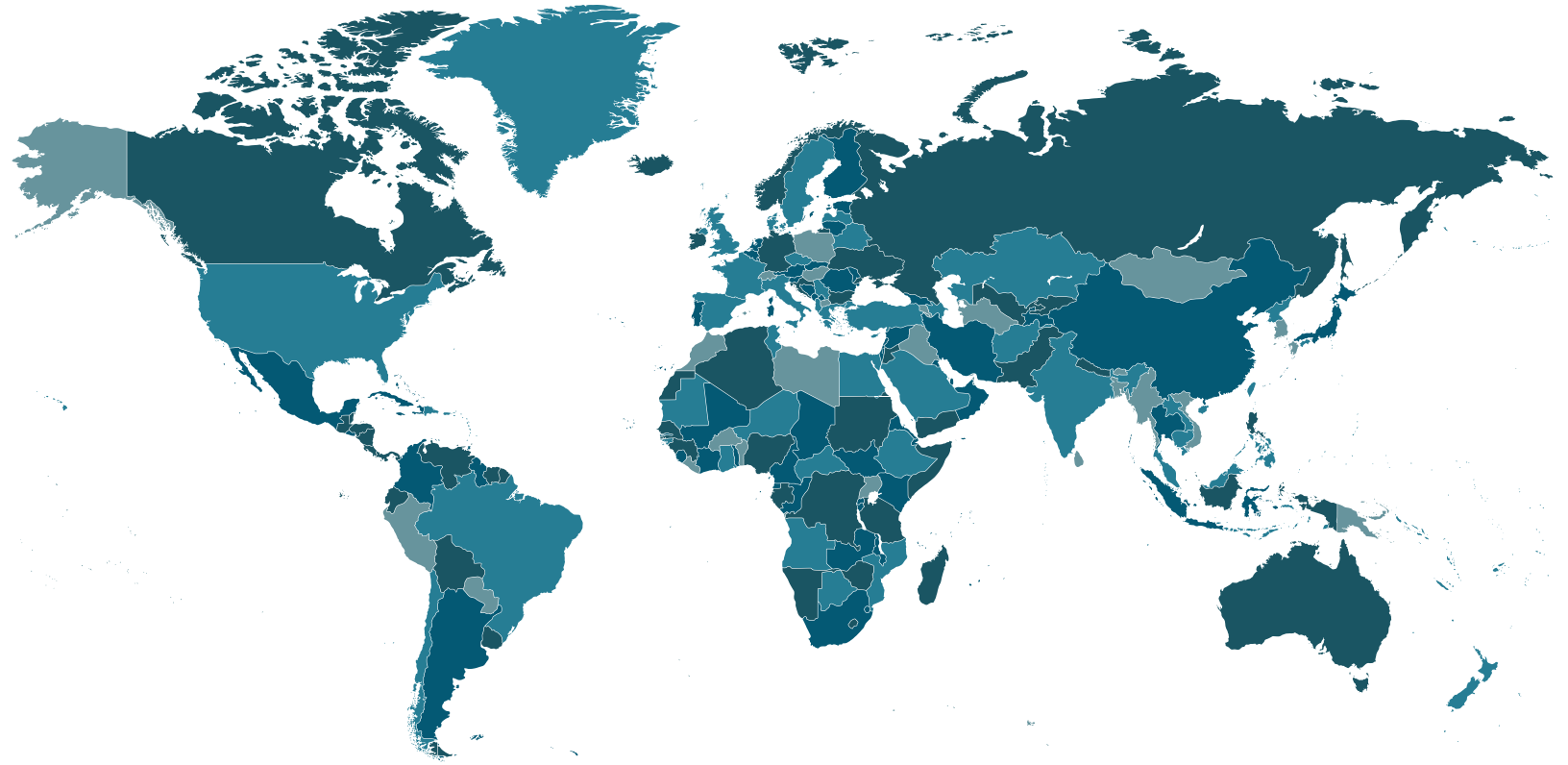

Introduction

A New Beginning in Year Six of the Global Review

Richard Albert, David Landau, Pietro Faraguna,
Śimon Drugda and Rocío De Carolis

This year the Global Review marks a significant milestone, with the publication of its sixth volume. When we first launched the Global Review in 2016, we could not have imagined how quickly it would grow to become the leading annual resource for learning about constitutional law developments all around the world. We are especially pleased that this latest edition features reports from 75 jurisdictions, marking the widest coverage since the founding of the Global Review.

The sixth edition also marks a new beginning.

We have partnered with a new publisher, Edizioni Università di Trieste (EUT), an outstanding academic press that will bring new ideas and perspectives to the Global Review.

We thank our previous publishing partner—the Clough Center for the Study of Constitutional Democracy at Boston College—for its generosity and innovation over in our five-year partnership. We thank especially Vlad Perju, former Director of the Clough Center, for helping to bring the Global Review to life with his grand vision at the very beginning for how we could join forces to create something special. We thank also Gaurie Pandey, at the Center for Centers at Boston College, for her invaluable contributions to the success of the Global Review.

We are also thrilled to announce a new member of our editorial team for this year: Rocío De Carolis, currently a graduate student at Leiden University. She has brought so much to our collective efforts. We thank her and wish her well as she embarks on the next chapter in her scholarly career.

Despite these many changes, the core mission of the Global Review remains the same: to offer readers systemic knowledge about jurisdiction-specific constitutional law that has previously been limited mainly to local networks rather than a broader readership. The Global Review is our contribution to an ambitious *weltanschauung*: to make the world of constitutional law smaller, more familiar, and more accessible to all.

We close with a few more thanks. First, to Mauro Rossi of EUT for responding enthusiastically to our suggestion that we might partner together to publish this series. Second, to Elena Tonzar for her magnificent work in designing this latest edition in line with our traditional format. And finally to the Constitutional Studies Program at the University of Texas at Austin for sponsoring the publication of this book, and to Trish Do and Nivedita Jhunjhunwala at the University of Texas at Austin for their invaluable contributions to the success of the Global Review.

As we share this 2021 edition with the world, we invite any scholars interested in producing a report for the 2022 edition to contact us. And, as always, we welcome feedback, recommendations, and questions from our readers.

Enjoy this new edition!