WCCL *2026*

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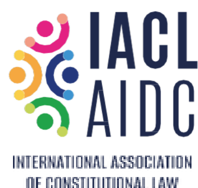
Bogotá - Colombia

Sustainable Constitutionalism: Answers for a Changing World

List of New Workshops (37-185)



Workshop 37

Deconstitutionalization: the Dismantling of Democratic Constitutionalism Strategies

Chairs:

- Pedro P. Grández pgrandez@pucp.pe
- Abraham Siles Vallejo
- Alfonso Herrera García
- Rosa Isabel Sánchez Benites
- Diego Pomareda Muñoz
- Niels Apaza Jallo

Broadly speaking, *"deconstitutionalisation"* is a term employed to describe the progressive deterioration of the normative model of the Constitutional State. In certain instances, this entails the obstruction of mechanisms of constitutional review; in others, it involves the direct capture of the bodies entrusted with such oversight, achieved through strategies such as controlling the appointment of members to Constitutional Courts or Supreme Courts. At times, recourse is had to the modification of constitutional content via ordinary legislation, which is subsequently validated by a court subject to the control of the political branches.

Frequently, deconstitutionalisation manifests as the manipulation of constitutional amendment processes, as evidenced by the recent radical overhaul of the judicial selection system in Mexico. As a consequence of these processes and strategies, the Constitution—which previously held binding force—is rendered, once again, irrelevant to the purposes for which it was conceived. Much like constitutionalisation, this is an incremental process; its impact may range from isolated episodes that distort the meaning of constitutional clauses, to an absolute and systemic degradation that entirely nullifies the value and purpose of the Constitution as a whole.

The objective of this panel is, precisely, to identify common patterns or strategies emerging across diverse contexts. In contrast to phenomena examined through the lens of political science—such as 'democratic erosion', 'democratic backsliding', 'populism', or 'illiberalism'—this panel focuses its enquiry on the dismantling of the specific strategies of constitutionalism. Techniques of constitutional review, the balance of powers (checks and balances), judicial independence, and the very rigidity of the Constitution are evaluated as benchmarks, serving to gauge the degree of deconstitutionalisation in a given context. Papers should, where feasible, address concrete experiences regarding the dismantling or deterioration of the constitutional model.

Workshop 38

Attacks on democracy by populisms

Chairs:

- Manuel Restrepo Medina manuel.restrepo@urosario.edu.co
- Luisa Fernanda García López luisa.garcia@urosario.edu.co

The strained relationship between populism and political representation constitutes one of the pillars of the crisis currently facing many democracies. Within this framework, modalities of direct or semi-direct democracy—such as referendums and plebiscites—allow for the immediate manifestation of the general will and are often valorised when the aim is to displace or curtail traditional representative democracy, thereby promoting a direct link between the people and power.

However, this conception of will presupposes a homogeneous people: a solid unit that clearly delineates who belongs to the demos and who is excluded. Consequently, populism incorporates an anti-political dimension: it seeks to found an idealised community—an authentic, incorruptible, and united people—which reduces the plurality inherent to democratic societies.

Building upon this analysis of how democracy is affected by the distinct manifestations of populism, this workshop aims to address three particular thematic axes:

1. The crisis of constitutionalism and representative democracy. Populism places strain on the foundations of constitutionalism by questioning the limits on power and relativising the centrality of representative institutions. The narrative of an ‘authentic people’ versus corrupt elites erodes the legitimacy of parliaments, courts, and oversight bodies, weakening checks and balances and promoting the notion that the immediate majoritarian will can supersede constitutional frameworks. This axis examines how representative democracy is displaced by plebiscitary mechanisms and how this entails consequences for institutional stability and the protection of rights.

2. The intertwining of nationalism and populism. Populism is frequently intertwined with nationalist discourses that exalt a homogeneous and exclusionary identity, defining who belongs to the ‘true people’ and who remains outside the political community. This imbrication reinforces dynamics of polarisation, fuels mistrust towards diversity, and justifies policies that restrict the rights of minorities, migrants, or dissident groups. This axis seeks to analyse how the combination of populism and nationalism results in a closure of the democratic space and an exclusionary redefinition of the demos.

3. Populist practices naturalised in state action. Beyond discourse, populism translates into institutional practices that become normalised in public administration: the concentration of power in the Executive, the undermining of oversight bodies, the plebiscitary use of consultations and referendums, and the manipulation of official communication to construct a singular narrative. Upon becoming institutionalised, these practices erode democratic culture and engender a State that operates under a logic of permanent exceptionality. This axis will facilitate a discussion on how such practices have become naturalised and the risks they pose to the integrity of the Rule of Law.

Workshop 39

Low-Intensity Authoritarian Constitutionalism

Chairs:

- Julien Jeanneney jeanneney@unistra.fr
- Nicoletta Perlo nicoletta.perlo@hotmail.fr

The concept of 'authoritarian constitutionalism' denotes the propensity of political leaders—in States endowed with constitutions originally conceived as democratic and liberal—to circumvent or neutralise countervailing powers, whether by legal means or otherwise, whenever these are perceived as a hindrance to the efficacy of their action. This evolution, which profoundly affects the modalities of the exercise of political power in numerous contemporary legal orders, manifests in the emergence of forms of low-intensity authoritarianism.

The leaders in question do not hesitate to assail the founding principles of political and legal liberalism, placing them at the service of authoritarian-leaning projects. Deployed within pluralist systems, these practices instrumentalise the very tools of constitutionalism to undermine what historically constituted its core: the balance of powers and the guarantee of rights and freedoms. This workshop aims to examine this phenomenon from various angles.

Firstly, it will seek to delineate its contours: How can we measure the degree of intensity of authoritarian tendencies in these hybrid regimes? Is it possible to identify common criteria? Subsequently, the analysis will address the distinct stages of the process leading to authoritarian constitutionalism, as well as the strategies implemented by institutional actors: the alteration of the balance of powers, the progressive curtailment of fundamental rights, and the marginalisation of supranational law.

Particular attention will be paid to the use of certain prerogatives which, whilst constitutionally compliant, may—in specific contexts and constitutional cultures—fuel a regression towards illiberalism. Finally, possible institutional reactions to such tendencies will be examined, whether to facilitate them or to resist them.

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Workshop 40

Constitutionalism on Trial: Populism and Democracy in Latin America and Europe

Chairs:

- Floralba Padrón Pardo floralba.padron@uexternado.edu.co
- Humberto Antonio Sierra Porto humberto.sierra@uexternado.edu.co
- Josep Maria Castellà Andreu castella@ub.edu

This workshop invites paper proposals exploring the tensions between populism and constitutional democracy in Latin America and Europe. Drawing upon recent experiences in both regions, it proposes to examine how populist leaderships and movements—whether in office or in opposition—challenge the foundations of liberal-democratic constitutionalism through policies and legislative and constitutional reforms. Specifically, this includes the separation of powers, judicial independence, the protection of fundamental rights, representative democracy, and political pluralism.

The premise is a common observation: the expansion of political practices that, in the name of popular sovereignty, seek to weaken institutional checks and balances, capture technical and judicial oversight bodies, and erode the Rule of Law. We are witnessing a mutation of liberal-democratic constitutionalism, under pressure from models and experiences that blur the boundaries between democratic representation and personalist leadership, whilst instrumentalising constitutional procedures for counter-majoritarian ends.

Proposals addressing, inter alia, the following topics are welcomed:

- The use of constituent power to justify authoritarian and illiberal reforms.
- Constitutional reforms that bolster the Executive or weaken judicial review.
- Institutional responses to populist leaderships: constitutional courts, parliaments, and international bodies.
- The tension between democratic legitimacy and constitutional legality.
- Differences between inclusive and exclusive populisms and their effects on institutional design.

The workshop is open to theoretical analyses, case studies, and normative proposals. A critical, comparative, and regional approach is particularly encouraged.

Workshop 41

Democracy at Risk and Global Constitutionalism in the Multipolar Era

Chairs:

• Cássius Guimarães Chai cassiuschai@gmail.com •
• George Katrougalos gkatrougalos@yahoo.gr

This workshop invites scholars to debate the challenges of constitutionalism in a world increasingly shaped by systemic risks: disinformation, democratic erosion, hybrid warfare, and the transition to a multipolar order. We welcome contributions that examine how constitutional frameworks respond, or fail to respond, to contemporary crises, and what alternatives emerge from the Global South, particularly the BRICS+, to redefine legitimacy, rights, and sovereignty in scenarios of global instability.

Workshop 42

Public Law in Times of Geopolitical Uncertainty

Chairs:

- Rene Urueña rf.uruena21@uniandes.edu.co
- Sué González Hauck gonzalez@hsu-hh.de
- Ignacio G. Perotti Pinciroli ignaciogaston.perotti@universidadeuropea.es
- Daniel R. Quiroga-Villamarín daniel.quiroga@graduateinstitute.ch
- Irene Vázquez Serrano irene.vazquez@um.es

Over the past decade, geopolitical dynamics have undergone a visible shift. The post–Cold War narrative of liberal internationalism and institutional cooperation seems to be rapidly replaced by a focus on military build-up, the re-emergence of spheres of influence, and intensified strategic rivalries. From Europe to the Pacific, and increasingly across Latin America, global actors such as the United States, China, Russia, and the European Union or NATO are reshaping the rules of engagement, with profound consequences for domestic and regional public law.

In this moment of change, we seek to convene scholars and practitioners to explore whether and how domestic and regional legal frameworks can (or cannot) adapt to the pressures of a fractured global order, particularly in Latin America and Europe. What are the pathways through which evolving external geopolitical shifts influence the practice and conceptual foundations of domestic and regional public law?

To start the conversation, we invite workshop participants to engage with three initial questions:

1) How do national and regional courts respond to external geopolitical pressures?

How do they approach cases involving international norms, institutions, or/and obligations that are affected by the geopolitical tensions?

2) How is the domestic and regional production, circulation, and legitimation of legal knowledge and expertise shaped by geopolitical shifts?

3) To what extent do dominant categories in domestic and regional public law — such as sovereignty, universalism, or even the idiom of rights— remain adequate in an international order marked by power struggles, new forms of imperialism, and democratic backsliding?

Our invitation is therefore not only to assess the capacity of domestic and regional legal systems to respond to the contestation of rights arising from cross-border strategies of influence, but also to explore alternative legal imaginaries and renewed forms of agency for international law and human rights, especially from the peripherie(s).

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Workshop 43

Rights Constitutionalism in an Era of Uncertainty: The Reconfiguration Thereof in the Face of Global Challenges

Chairs:

- Amir Al Hasani Maturano amir.alh@uib.es

Contemporary society is grappling with far-reaching economic, social, technological, and political transformations. Against this backdrop, recent phenomena are reshaping the manner in which constitutional principles and values are conceived and applied; fundamentally, they are redefining fundamental rights as hitherto understood.

Challenges such as the digital revolution, climate change, new inequalities, or migratory movements—inter alia—underscore the imperative need to align the constitutional system with the present time. Consequently, new hermeneutics and constitutional reforms underpinned by a holistic and renewed vision are required, with the ultimate aim of guaranteeing more effective and adequate protection for the citizenry. Uncertainty must not paralyse the inherent dynamism of rights constitutionalism, nor its capacity to adapt to the exigencies of each historical juncture.
Accordingly, the very validity, exercise, and efficacy of fundamental rights—in their capacity as guarantors of human dignity and the democratic essence—are called into question. It is imperative to proffer alternatives and responses and, most notably, to assess whether a reinterpretation or adaptation of prevailing consensuses is necessary.

This global impact—which transcends the strictly domestic realm—upon the guarantees and configuration of fundamental rights demands rigorous and profound analysis by constitutional scholarship. Given the dynamic nature of rights, the debate arises regarding their adaptation or the creation of new legal constructs ex novo. This encompasses everything from the promotion of new Charters of Rights and evolutive interpretation in the light of these transformations, to the problematic of constitutional mutations. Likewise, new doctrinal currents concerning the limitations and guarantees of fundamental rights are of particular interest.

Workshop 44

Counter-Terrorism and Human Rights in a Changing Geopolitical Landscape

Chairs:

- Arianna Vedaschi
- Chiara Graziani

Combating terrorism remains one of the most formidable challenges facing the global community. In recent years, terrorism has assumed increasingly complex guises, shaped by evolving geopolitical conflicts, rapid technological advancement, and shifting patterns of social unrest. This workshop seeks to foster critical discourse on the constitutional dimensions of counter-terrorism from a comparative vantage point, placing particular emphasis on the legal and institutional responses adopted in recent years. It will bring together scholars from diverse regions to facilitate dialogue and generate comparative insights.

The workshop will address several contemporary themes, including, but not limited to:

- The interface between counter-terrorism and emerging technologies: The intersection of counter-terrorism and new technologies—particularly Artificial Intelligence (AI)—demands rigorous scrutiny. Governments worldwide are experimenting with AI-driven surveillance, predictive analytics, and biometric systems to identify and forestall terrorist threats. Whilst these tools promise enhanced security, they raise profound questions of constitutional law, including safeguards for individual rights such as privacy, data protection, and freedom of speech, as well as general principles such as proportionality, transparency, and accountability. A core objective of the workshop will be to examine how constitutional frameworks can reconcile digital innovation with human rights obligations.
- The interplay between terrorism and armed conflict: The relationship between terrorism and ongoing conflicts underscores the blurring of boundaries between counter-terrorism and the Law of Armed Conflict (International Humanitarian Law). The resurgence of large-scale warfare, often waged through hybrid means, has provided fertile ground for terrorist groups to recruit, mobilise, and adapt. States have responded with legal measures that frequently traverse the domains of emergency powers, military law, and international cooperation. The workshop will explore how constitutional systems manage this overlap, considering the tensions between national security imperatives and adherence to democratic standards.

- The migration-terrorism nexus: This has become a politically sensitive and legally contentious issue. States have introduced border controls, vetting mechanisms, and restrictions on asylum as integral components of their counter-terrorism strategies. These measures raise questions regarding the compatibility of counter-terrorism with obligations concerning refugee protection and the core principles of equality and non-discrimination. The workshop will assess how to harmonize security concerns with commitments to human dignity and freedom of movement.
- The resurgence of domestic terrorism and violent extremism: Often rooted in nationalist, religious, or ideological movements, these threats are emerging with particular intensity within advanced democracies, testing the resilience of constitutional orders from within. Legal responses to domestic extremism entail striking a delicate balance between the protection of political freedoms and the suppression of violent movements. Comparative perspectives will explore how different jurisdictions define, monitor, and prosecute such activities whilst preserving the democratic fabric.
- By addressing these interrelated challenges, the workshop aims to elucidate how constitutional law adapts to an era in which terrorism is simultaneously globalised and localised, technologically enabled, and deeply entangled with migration and conflicts. Contributions from both junior and senior scholars are invited, encouraging an intergenerational exchange of perspectives and methodologies.
- Papers may engage with theoretical, doctrinal, and empirical approaches, offering a comprehensive understanding of the field.

Workshop 45

The Demise of Law: Conceptual, Historical and Comparative Perspective

Chairs:

• Oskar Polańsk oskar.polanski@eui.eu

Law today faces increasing challenges: it can be disfigured from within — used by abusive regimes to entrench power while eroding rights — and undermined from without by actors seeking to replace one legal order with another. Yet while the demise of democracy or states has been theorised, the demise of law itself remains curiously underexplored. Focus on concepts like the identity or continuity of legal systems, and essential properties of law have become overshadowed by discussions concerning law's defective functioning — such as rule of law backsliding. This is so despite historical examples where law has clearly failed: Roman law, feudal law, and Nazi law all once existed and no longer do. What, then, does it mean for law to die, and at what point can we call the time of death? Are we right to focus on the rule of law rather than the existence of law per se?

This workshop invites contributions examining the possibility and dimensions of law's demise, or of existential threats to law. Possible areas of focus include (but are not limited to):

ordering;

• Legitimacy and authority of law;

• The bearing of the rule of law and separation of powers on the existence of law;

• Whether law's existence is valuable in itself or only insofar as it satisfies substantive conditions;

• Breakdown of written and unwritten norms and conventions;

• Conceptualising the death of law: momentary legal systems versus law as a broader social

17• The relation between law and state: does the state's demise entail law's demise, or can law die independently?

• Comparative and historical perspectives on failed or extinguished legal orders;

• The role of conceptual jurisprudence in evaluating the demise of law: can legal theory accurately capture this, or must empirical analysis play a greater role?

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Workshop 46

Does the theory of the state still make sense?

Chairs:

- José María Sauca josemaria.sauca@uc3m.es

The Theory of the State stood as a classic discipline from the latter half of the 19th century until the closing stages of the 20th century, and not merely within the Continental law tradition. Prior to what has been termed the third wave of democratisation, the Theory of the State exhibited signs of waning interest; nowadays, it occupies a secondary—if not marginal—position within the curricula of its traditional domain and in the research areas relevant to its subject matter. We believe that current and significant events compel us to reconsider its validity and, where appropriate, to evaluate the characteristics of its possible rehabilitation.

From a political standpoint, globalisation appears to be a phenomenon in open crisis, whilst illiberal democracies are increasingly asserting their presence on the international political stage. From a legal standpoint, the paradigms of state independence and sovereignty have been called into question by multi-level power formulas that remain far from enjoying established theoretical backing. Likewise, the classic notions of the rule of law, separation of powers, constitutionality control, and the development of fundamental rights have transformed the classic features of these fundamental concepts.

Finally, from a methodological standpoint, calls for interdisciplinary approaches are overwhelmingly predominant. Perhaps the Theory of the State could offer a space for collaboration between constitutionalists, legal philosophers, political theorists, international legal scholars, and historians of law and of legal and political ideas.

In light of the foregoing, we propose to undertake a collective reflection that will allow us to assess the advisability and potential utility of rehabilitating this traditional disciplinary space and, where appropriate, to evaluate the new perspectives that might inform its development.

Workshop 47

Constitutionalism of the Common(s) and Democratic Crisis

Chairs:

- Mariana Canotilho macanot@tribconstitucional.pt
- Luís Meneses do Vale lvale@fd.uc.pt

This workshop endeavours to explore whether, and to what extent, the constitutionalism of the common(s) may serve as a response to the contemporary democratic crisis. The common(s) may be conceptualised not merely as resources, practices, or institutions, but also as a constitutional subject in its own right and as a framework for constitutional and political analysis. This reframing stands in contrast to classical constitutionalism, which has traditionally been anchored in the sovereign state, individual rights, and the institutional balance of powers. By shifting the analytical lens towards the common(s), the workshop will interrogate whether constitutional legitimacy and authority must inevitably be tethered to state institutions, or whether novel loci of political power and participation may emerge from the collective stewardshipof shared resources and practices.

From this perspective, the constitutionalism of the common(s) posits the possibility of alternative democratic arrangements that transcend representative and rights-based models. Participants are invited to critically examine how commons-based approaches might reframe the relationship between public goods, citizenship, and the political community, and whether such approaches can counteract democratic disenchantment by engendering more inclusive, participatory, and decentralised forms of governance.

Much hinges upon how the common(s) are delineated and situated—whether material (land, water, infrastructure), digital (knowledge, data, networks), or social (practices of solidarity and participation). The workshop will enquirewhether commons institutions should be entrenched within existing constitutional orders, whether they demand a reconfiguration of the State's role in protecting and enabling them, or whether they call for envisioning constitutional structures where the common(s) themselves become foundational.

The workshop also invites comparative, case-based, and theoretical contributions, including enquiries into how commons constitutionalism intersects with traditional democratic safeguards and how it might address the structural drivers of the democratic crisis, such as polarisation, exclusion, and technocratic alienation. Interdisciplinary perspectives from law, political science, sociology, and philosophy are especially welcome.

Workshop 48

Sustainable democracy and the crisis of constitutionalism

Chairs:

- Rosalin Dixon rosalind.dixon@unsw.edu.au
- David Landau dlandau@law.fsu.edu
- Mateo Merchán Duque mm12922@nyu.edu

Beneath the ongoing and extensive discussions surrounding democratic erosion, resilience, and even repair, a fundamental question persists: what is necessary to establish a sustainable democratic system? While some advocate for radical transformations in the practice of current democratic systems, it is also worthwhile to reflect on the potential of constitutionalism to formulate strategies that ensure enduringdemocratic frameworks. This workshop explores how constitutionalism issues— specifically, the institutional design of the political system and checks and balances—are particularly relevant for devising mechanisms that can provide forms of democracy more suitable for contemporary societies. Setting aside the highly pertinent questions about the economic and geopolitical conditions for a sustainable democracy, this workshop will examine how addressing the crisis of democracy necessitates tackling the crisis of constitutionalism.

Thematic blocks:

1. What is the relationship between democracy and constitutionalism? To consider democracy does not solely involve revising our understanding of representation or deliberation; it may also encompass profound questions regarding constitutionalism. For example, it concerns how the system of checks and balances articulates majoritarian and minoritarian perspectives. In this initial discussion, we will explore the extent to which addressing the issues of constitutionalism is necessary to comprehend and resolve the challenges of democracy, as well as how the former underpins the concept of a sustainable
democratic framework.

2. The enduring question of how to address deeply moral disagreements remains at the forefront of discussions surrounding democracy and constitutionalism. Who holds the authority to decide on contentious moral issues? What is the moral cost of overriding a majority decision? Is such a cost even applicable? Furthermore, the wide spectrum of disagreement on topics like abortion, affirmative policies, and same-sex marriage has been exploited by aspiring authoritarian regimes and politicians, who use it to cast doubt on the principles of constitutionalism and advocate for certain forms of direct democracy. In this context, it is essential to reflect on the role of rights and moral disagreement at the intersection of the ongoing crisis in constitutionalism and democracy.

3. What is the specific role of constitutional tribunals in establishing certain conditions for a sustainable democratic framework? Sustainable democracy necessitates a discussion of the criteria used to evaluate the functions of both domestic and supranational courts in protecting fundamental democratic principles and institutions. Additionally, these courts may sometimes be called upon to support significant changes in institutional arrangements. In this regard, examining comparative experiences illuminates this critical task.

Workshop 49

Between myth and institutions for democratic resilience

Chairs:

- Roberto Gargarella
- Indira Latorre
- Felipe Rey
- Anna Luisa Walter de Santana
- Jorge Ernesto Roa Roa

Resilience has emerged as a pervasive ‘buzzword’ within political and constitutional theory—an intellectual trend searching for exits from democracy’s ongoing crisis. Appropriated from the physical sciences, the concept has been stretched and reshaped to encompass a vast array of phenomena—at times incomparable, often disconnected—through which scholars and institutions anxiously strive to arrest democratic erosion. Yet, powerful voices question whether democracy can ever truly be resilient. Conversely, there exists a body of documented instances where institutions—courts, for instance—have successfully withstood systemic threats to the democratic order. Those who maintain that democratic resilience is a myth are not necessarily cynics; rather, they adopt a realist posture, acknowledging the distinct possibility of democratic collapse or the formidable obstacles to its reconstruction. By contrast, those who highlight success stories are not naive optimists, but researchers armed with empirical evidence demonstrating that the institutional tools to defend democracy do exist—it is merely a matter of mobilising them.

This workshop situates itself at the heart of this tension. We intend to pose the uncomfortable questions. Our aim is to debate democracy’s capacity for resistance, the grounds for realism, and the potential for reimagining social and political organisation. We will confront narratives of collapse and resurgence, examine failures and triumphs, and consider which institutions—from courts to citizens’ assemblies—might rekindle a more hopeful vision of deliberative democracy.

We invite scholars, practitioners, and critical thinkers to submit papers that challenge assumptions, expose vulnerabilities, and proffer innovative strategies. We welcome case studies, theoretical provocations, and bold accounts of both threats and defences. The defence of democracy commences with the diagnosis of its most sophisticated risks—and the imagination of novel means to surmount them.

Workshop 50

Working with concepts: Knowledge Representation in Constitutional Law

Chairs:

- Zachary Elkins zelkins@austin.utexas.edu
- Ashley Moran ashleymoran@utexas.edu

Constitution drafters and analysts have long explored the origins and evolution of constitutional ideas—to understand why constitutions succeed and falter, when constitutional ideas gain traction, and how they shape people's lives. Yet it is hard to analyze these questions across different countries and contexts without a coordinated approach to naming and conceptualizing these ideas. In some fields, such as biology and psychiatry, systematizing and organizing concepts has been a central concern, and has even led to high levels of consensus on categories and terms. In other fields, such as law and political science, concepts are less regulated. Proliferation of conceptual frameworks in these domains has real consequences. It constrains systematic comparison and alignment of findings across studies, and in turn, constrains the accumulation of knowledge.

The call for sustainable constitutionalism presents a new challenge—for governance but also for the research informing that governance. The call for sustainable constitutionalism responds to the need for new approaches to address long-simmering democratic, societal, and environmental challenges, as well as rapidly escalating new risks to constitutionalism itself amid dramatic political, social, economic, and technological changes globally. Answering this call requires new conceptual frameworks to understand how constitutions contribute to both these challenges and their solutions.

This workshop examines concepts that are crucial to understanding current challenges to sustainable, democratic societies and to conceiving new pathways that advance a more sustainable constitutionalism. Workshop papers will examine concepts that are central to constitutional theories explaining these dynamics, novel constitutional approaches to these challenges or their solutions, court interpretations of these innovations, or other aspects of understanding and advancing sustainable constitutionalism. Concepts submitted in workshop papers will be considered for addition to the Constitute ontology used by the convenors to track the topics in constitutions globally.

Workshop 51

Innovations in Sustainable Constitutionalism in an Age of Extremes

Chairs:

- Mara Malagodi mara.malagodi@warwick.ac.uk
- Ashley Moran ashleymoran@utexas.edu
- Wen-Chan Chang wenchenchang@ntu.edu.tw

Countries today face a complex intersection of challenges amid political polarization, mounting economic and social crises, extreme weather events and pandemics, and growing disaffection with democratic institutions and their ability to handle these threats. In many communities, these challenges are exacerbated by social divisions based on race, gender, religion, class, or other identities that have become a driving force in politics. These extremes have led to persistent polarization and political stalemate, discrimination, protests in public streets and government buildings, mass migration and xenophobia, disinformation campaigns, violence, and even wars.
Worse still, these extremes and their tragic consequences are no longer exceptions that occur only in a few generations' time or once in a lifetime. Rather, they are a constant presence in our daily lives, on the news, and in videos on our digital devices.

Such political and social dynamics often have some roots or remedies in constitutions, given constitutions' key role in shaping relationships between people and institutions. Yet traditional constitutional approaches to governing, building social cohesion, or resolving conflicts do not always apply in our new age of extremes. As exceptions have become the norm, we often find the application of normal rules incapable of addressing the extreme situations that are now constant or find the application of exceptional rules that never come to an end. Yet countries around the world are exploring new ways—developing new constitutional strategies to address the unique or shared challenges they face in today's age of extremes. This workshop aims to share and learn from these innovations.
This workshop examines constitutional innovations that seek to build resilient and sustainable constitutional democracies amid the growing extremes these systems face. The workshop shares strategies from diverse regions and contexts in assessing questions like:
• What new constitutional innovations have countries developed to manage today's extremes of sustained states of emergency, extreme concentrations of executive power, extreme social divisions, unprecedented migration, extremist backlash against minority and women's rights, attacks on core social institutions like universities, climate change and pandemics, terrorism, rising electoral violence and political conflict, ubiquitous technology and disinformation, or other extremes?

• How can constitutions sustainably manage these extremes that have become the norm?
Is there a third way between the application of normal rules in persistent extremes and the permanent application of exceptional rules?
• How can institutional checks and balances, separation of powers, judicial independence, rule of law, and government accountability to constituents continue to work against the backdrop of these extremes?
• How can countries constrain the extreme exercise of political power amid these extremes when political power wielded over social media can easily sway opinions with little or even incorrect information?
• How can countries foster constructive dialogue on constitutional reform or government policymaking amid social and political polarization, disaffection with democratic institutions, and a flood of social media and disinformation changing people's minds by the second?

Workshop 52

Constitutionalism in Motion: Innovations, Crises, and Possible Futures

Chairs:

- Paula Robledo Silva paula.robledo@uexternado.edu.co
- Diego González Medina diego.gonzalez@uexternado.edu.co
- Daniel Rivas-Ramírez danielrivasram@hotmail.com

This workshop invites reflection upon the role of the Constitution in the configuration of the contemporary democratic order, encompassing its normative, symbolic, and political dimensions. Drawing upon the Latin American experience, three core strands of enquiry will be explored: (i) the Constitution as a social compact that organises power and protects rights; (ii) the innovations and tensions of constitutionalism in Latin America, situated between transformative advancements and crises of legitimacy; and (iii) the current challenges facing democratic constitutionalism vis-à-vis inequality, polarisation, populism, and the impact of new technologies.

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Workshop 53

Empirical Constitutionalism in Latin America: Perspectives and Challenges

Chairs:

- María Luisa Rodríguez Peñaranda mlrodriguezp@unal.edu.co
- Valeria Castro Vargas vacastrov@unal.edu.co
- Alix Vanessa Dielchy Niño Paz alinop@unal.edu.co
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In Latin America, the research and production of knowledge regarding constitutionalism has been influenced by a dogmatic approach that constructs and reproduces theories from the Global North, detached from the contextual information that accounts for the reality in which said theories are applied.

Similarly, the aspirational constitutions that dominate the region pose formidable challenges regarding their implementation, fostering a chasm between text and reality. This demands the employment of new methodological and epistemological approaches that allow for an understanding of how constitutions function in practice and how they interact with social contexts marked by inequality, violence, and cultural diversity. In response to the foregoing, empirical constitutionalism presents itself as a methodology that shifts attention from normative dogmatics towards the study of facts: it examines how rights are implemented, how judges respond, what obstacles citizens face when claiming them, and what social dynamics emerge around the constitutional text. Consequently, this panel proposes to analyse constitutionalism through concrete practices and experiences, combining available legal information, the political reality in which it is inserted, and the historical, cultural, and social particularities of each State.

This workshop invites all researchers interested in new techniques and/or tools for qualitative and quantitative research, their uses, and the dissemination of findings. It seeks to dynamise academic debate through the introduction of data and narratives proposed by the citizenry, the media, networks, judicial officials, and those other voices that are habitually ignored by constitutional dogmatics.

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Workshop 54
Constitutional Sciences and the Current Challenges of Human Rights

Chairs:

- Carolina León Bastos carolinaleonbastos@gmail.com
- Javier Ruipérez Alamillo javier.ruiperez@udc.es
- Edgar Corzo Sosa ecorzos@gmail.com
- Manuel Cabanas Veiga manuel.cabanas@udl.cat
- Alejandro Wong Meraz awong32@yahoo.com

The State does not limit its life solely to those moments of reality contemplated by the Constitution; therefore, for this document to possess effective force in political life, it must consider the vast gamut of impulses and motivations within social dynamics, integrating them progressively in the face of a changing world.

In addition to the foregoing, the obligation of States to comply with minimum parameters for the recognition and protection of Human Rights implies an analysis of constitutional law and the legal system that cannot be limited to a legalistic perspective, but must rather be interdisciplinary, including the political sphere as one of the essential elements.

The panel will focus on the analysis of Constitutional Law and Human Rights based on the methodology of the constitutional sciences; that is to say, where the legal aspect is not exclusive, but is integrated with the political, economic, social, cultural, and historical, inter alia.

Workshop 55

Rule of Law, Science and Technology

Chairs:

- Luca Mezzeti luca.mezzetti@unibo.it
- James R. May james.may@washburn.edu

Rapidly advancing scientific and technological development—including artificial intelligence, the energy transition, and attribution science—is of crucial importance for surmounting the modern challenges facing humankind. These constitute both an aid and a peril. The law must promote this development whilst simultaneously establishing adequate safeguards against potential threats to human beings, their dignity and freedom, and the foundations of the democratic state order.

We welcome submissions that examine and evaluate the positive and negative impacts of new technologies on the Rule of Law; that is, their facilitating and complicating roles regarding the indispensable elements of the Rule of Law, such as judicial independence, the quality of legislation, and the protection of rights and freedoms.

WORLD CONGRESS OF CONSTITUTIONAL LAW 2026

Workshop 56

Interweaving History, Memories and Contemporary Constitutional Law: An Interdisciplinary Dialogue

Chairs:

- Zoltán Szente szente.zoltan@tk.hu
- Han Zhai hzhai@hust.edu.cn
- Yang Qiu yang.qiu@wolfson.ox.ac.uk

This workshop proposes an interdisciplinary discussion on constitutional law, history, and memory. The relationship between historical experience and constitutional law remains a central question for scholars and practitioners alike. Historical events, institutions, and political traditions continue to shape constitutional interpretation, the design of institutions, and the protection of fundamental rights in modern democratic and non-democratic states.

Time, in this sense, may act as friend or foe, or perhaps both. With the evolution of time, specific historical meanings, emotions, or sentiments may be lost. Yet, the constitutional connection to the past—or rather, the claim thereof—could be reinforced or 'regenerated' through a series of constitutional re-interpretations and reforms.

The national written constitution, then, may be viewed as the site, or even the battlefield, of memories. It might be argued that constitutions were founded upon such 'epics'—they attempt to harness a common understanding of the past and often inform us of the objectives, values, and moral principles of our community. Furthermore, they may constrain the type and nature of constitutional arguments that one can advance (not only in courts but also in the streets and other public spaces) and advise on the institutions that states need to establish, as well as their governing principles.

This workshop invites scholars from constitutional law, history, and social science to explore how historical experiences influence contemporary understandings of constitutionalism, constitutional identity, and statehood, and subsequently, how constitutions (broadly defined) sustain a particular collective memory of the past. Moreover, what are the means that members of communities employ to reinforce, change, or even subvert a particular understanding of the past that is entrenched in constitutions? Possible answers will lead us to the fundamental enquiry of this workshop: how comparative perspectives illuminate similarities and divergences in the historical underpinnings of constitutions.

As an interdisciplinary workshop, the convenors strongly encourage submissions across various disciplines (e.g., history, politics, sociology, social anthropology, cultural heritage, and literature) and the utilisation of methodologies that extend beyond traditional doctrinal methods. We also welcome projects that investigate and compare case studies focused on the Global South.

Topics of interest include, but are not limited to:

- How historical experiences influence contemporary understandings of constitutionalism, constitutional identity, and statehood.
- The role that history, together with historical memories, plays in constitutional adjudication and judicial reasoning.
- The normative power of constitutional memories.
- Historical memories involved in constitutional interpretation (e.g., the remnants of communist memories in the constitutional judgements of former USSR states; the ways in which the legacy of authoritarianism, colonialism, or transition shapes the interpretation of constitutional norms; and the selection and neglect of memories in constitutional arguments).
- Comparison of war memories in post-WWII constitutions.
- The legal re-allocation of authoritarian memories during Transitional Justice.
- ‘Memory wars’ in constitutional drafting and constitutional changes.
- Changing collective memories towards democratic decline.
- Temporality and eternity within written constitutions.
- Climate Justice and collective memories.

Workshop 57

Economics and the Constitution

Chairs:

- Daniel Alejandro Monroy daniel.monroy@uexternado.edu.co
- Andrés Palacios Lleras Andres.palaciosl@urosario.edu.co

Constitutions maintain a close relationship with economics and with the functioning of markets and economic systems, which manifests in multiple forms and gives rise to diverse debates. For instance, constitutional norms typically establish the foundations for the protection of property rights, private autonomy, freedom of enterprise, and free competition, all of which are essential elements for the functioning of a market economy. However, constitutions also tend to determine an economic order and, in turn, establish limits to said rights, occasionally for the fulfilment of a social function or for the protection of the public interest, inter alia. In synthesis, constitutions have inescapable economic effects, but simultaneously, economic phenomena influence the manner in which constitutional norms are interpreted and applied.

Naturally, this debate between economists and constitutionalists is not new, yet it possesses different facets and expressions across diverse regions of the globe. By way of example, part of the debate in Europe has been directed towards discussing how electoral rules and forms of government established in constitutions affect the formulation of economic policies (Persson & Tabellini, 2005; 2004; Kurrild-Klitgaard & Berggren, 2004). For its part, in the United States, the debate is usually presented as embedded within the context of the 'Economic Analysis of Law' (Posner, 1987; Cooter, 2002). In the case of Latin America, the debate tends to centre on the gap between reality and the socioeconomic rights incorporated into constitutions (Landau, 2023; Couso, 2017). In this region, discussions also frequently address the quality of the institutional framework established in constitutions and its effects on economic performance (a debate that even underpinned the 2024 Nobel Prize in Economics awarded to Acemoglu, Johnson, and Robinson).

Added to all the foregoing are numerous additional transversal themes that feed the dialogue between economics and constitutional law, such as inequality in the distribution of income and wealth, poverty, sustainable development, and the tensions between the model of the Regulatory State and the Constitutional State (Scott, 2010).

In this context, this workshop will explore these complementarities and tensions, amongst others, between economic and constitutional debates. To this end, the following general guiding questions are suggested

- How can the role of the social market economy be balanced with constitutional liberties?
- What is the role of constitutions in the design and evaluation of economic policies in different countries?
- How do economic policies influence the interpretation of constitutional law?
- What has been the role and impact of constitutional courts in regulated economic sectors?
- What is the role of economic methodologies (e.g., cost-benefit analysis) in constitutional argumentation?
- What is the impact of institutions—the 'rules of the game' included in constitutions—on economic growth?
- What is the role of the 'Regulatory State' of the economy in modern constitutionalism?

Workshop 58

The Constitution, Central Banking, and Contemporary Challenges

Chairs:

- Gonzalo Andrés Ramírez Cleves (gonzalo.ramirez@uexternado.edu.co)
- Andrés Camilo Gómez Calcetero (a.gomezc234@uniandes.edu.co)
- Constanza Blanco Barón (constanza.blanco@uexternado.edu.co)
- Katherine Flórez Pinilla (katherine.florez1@uexternado.edu.co)
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During the 20th century, the norms regulating the objectives, functions, and architecture of central banks—authorities charged primarily, though not exclusively, with the management of monetary policy—were elevated to constitutional rank. Making their reform more difficult has been considered a guarantee of autonomy from governments, whose interference could threaten macroeconomic stability. The constant debate regarding the impact of monetary policy interest rates on national growth and employment levels evidences this tension, which is added to others, such as the discussion between the technical dimension and the legitimacy of the Central Banking model in democracies. In addition to the foregoing, central banks face additional challenges such as the effects of climate change, the irruption of Fourth Industrial Revolution (4IR) technologies in their disruptive dimensions—such as Blockchain and applications like crypto-assets—and the necessity of integrating the sustainability paradigm into their analyses, inter alia.

This workshop is offered as a space to reflect upon the validity, impact, adequacy, and sufficiency of contemporary constitutional arrangements regarding central banks to face these challenges. Is the central banking model adequate and valid? Is a central banking design possible that successfully harmonises the technical vision of the banks with the interests of democratically legitimised governments? Should the functions and objectives of central banks be modified (expanded or reduced)? Or, conversely, should their labour be reduced strictly to the management of monetary policy? What should be the limits of their intervention in the economy, particularly in times of crisis? What improvements in terms of governance could these institutions adopt? In accordance with the constitutional and legal framework, could central banks issue public digital currency in the face of the disruption entailed by the "explosion" of private digital currency issuance? What impact would this have on the safeguarding of monetary sovereignty, which is the exclusive prerogative of the central bank? Through the discussion of these and other questions from orthodox and heterodox perspectives, as well as comparative local and international experiences, we hope to offer attendees a panoramic view of these issues. We invite the presentation of proposals that allow for the enrichment and deepening of these debates.

Workshop 59

Constitutional Law and Political Economy

Chairs:

- Federico Suárez Ricaurte federico.suarez@uexternado.edu.co

This workshop will analyse the interface between Constitutional Law and Political Economy. Since the 1980s and 1990s, free-market economic doctrine has become prevalent and widely adopted in both developed and developing economies, at the global and domestic levels, under the auspices of the International Monetary Fund, the World Bank, the World Trade Organization, and the Organization for Economic Co-operation and Development. Privatisation, liberalisation, financialisation, the free flow of capital, and the promotion of foreign capital have been key public policy aspects that have informed state constitutional and legal reforms in recent decades.

The workshop will reflect on the effectiveness of such political economy guidelines with regard to constitutional law in promoting core constitutional objectives, such as human rights, environmental protection, economic sovereignty, the rights of indigenous, Black, and ethnic populations, and the principles of equality and non-discrimination.

The diverse and interdisciplinary topics for paper submissions include intellectual property law, competition law, investment law, the digital economy, trade law, taxation law, sovereign debt law, currency law, regional integration law, and natural resources law. The workshop is also open to research in other areas that have prompted current transformations in traditional understandings of constitutional law, the separation of powers, the public/private divide, constitutional supremacy, and the regular functioning of the public branches of the State.

Workshop 60
The Constitutional Criterion of Fiscal Sustainability: The Colombian Case

Chairs:

- Julio Roberto Piza
- Henry Rodríguez
- Fernando Medina

Fiscal sustainability, introduced in 2011 via Legislative Act 03 and linked to Article 334 of the Constitution, has generated intense debate in Colombia regarding the scope of the commitments of the Social Rule of Law vis-à-vis budgetary limitations. The Constitutional Court has indicated that this concept constitutes neither a principle nor an autonomous right, but rather a guiding criterion intended to ensure that the direction of the economy and State intervention are realised in a manner compatible with fiscal discipline, macroeconomic stability, and, simultaneously, the effectiveness of fundamental rights.

This workshop proposes to examine the manner in which constitutional jurisprudence has addressed the tension between fiscal sustainability and the guarantee of rights, particularly Economic, Social, and Cultural Rights (ESCR), which demand a high level of public expenditure and effective redistributive policy. The Court has been clear in affirming that fiscal sustainability cannot justify restrictions on the essential principles of the Social and Democratic Rule of Law, but must rather be understood in harmony with the progressivity and interdependence of rights.

Within this framework, jurisprudential milestones will be analysed, such as:

- Judgement C-288 of 2012, which specified that fiscal sustainability must operate as a criterion and not as a governing principle.
- Judgement C-753 of 2013, which, in the context of reparations for victims of the armed conflict, emphasised that the scarcity of resources cannot be used to disregard fundamental rights.
- Judgement C-322 of 2021, which reiterated the importance of fiscal sustainability in the management of judicial convictions against territorial entities.
- Judgement C-489 of 2023, which linked fiscal sustainability not only to expenditure control but also to the preservation of structural sources of tax revenue.

The workshop summons academics, jurists, economists, and professionals interested in reflecting upon:

- The articulation between tax justice and fiscal sustainability.
- The institutional capacity of the State to finance ESCR.
- The role of jurisprudence in the balance between social equity and fiscal discipline.
- Comparative lessons to strengthen sustainable constitutionalism in contexts of high inequality and fiscal limitations.

This space seeks to generate an interdisciplinary and critical dialogue regarding the future of fiscal sustainability as a constitutional criterion and its impact on the construction of an effective and sustainable Social Rule of Law.

Workshop 61

The future of the fiscal constitution: global fiscal governance and the protection of social rights

Chairs:

- José Manuel Castro Arango
- Christian Günther
- Roberto Ramos Obando

The effective protection of social rights in contemporary constitutional democracies depends not only on their formal recognition in constitutional texts, but also on the existence of schemes funded by taxation and contributions capable of underpinning health, education, social security, and other welfare provisions over time. Courts, legislators, and administrative authorities increasingly confront tensions regarding how to effectively implement social rights whilst operating within budgetary, fiscal, and macroeconomic constraints. At the same time, to address these problems, there are persistent calls to reform the international tax system, as evident in global debates on tax justice, the Sustainable Development Goals (SDGs), and the emerging United Nations framework for international tax cooperation.

This workshop seeks to bring together scholars working on social rights and taxation, broadly conceived, to examine how constitutions organise the relationship between taxation, the SDGs, and the Welfare State. It seeks to connect two debates that too often run in parallel and to examine their reciprocal effects. On the one hand, there is a doctrinal and jurisprudential discussion on constitutional guarantees of social rights and the limits of fiscal scarcity as a justification for non-compliance. On the other hand, there is a search for a new paradigm of 'sustainable taxation', more inclusive global tax governance, and corporate responsibility (including Environmental, Social, and Governance [ESG] frameworks) as tools for financing social and economic rights. This often creates tension with long-standing constitutional principles of tax law, sovereignty, and democracy.

In light of these concerns, the workshop aims to explore, inter alia:

- Comparative constitutional approaches to tax- and contribution-funded welfare schemes, and how fiscal and budgetary constraints may be shaped by the current international tax regime and the new trends of global tax governance (including SDG-related commitments and minimum-tax agendas such as OECD Pillar Two),affecting the design and sustainability of those schemes.
- Constitutional and human rights limits on the exercise of taxing powers and on the use of 'fiscal scarcity' as a justification for restricting social rights. This may include examples where such scarcity is produced or reinforced by international tax competition and national tax incentives.

- The evolving role of the United Nations, the OECD, and other international fora in reshaping international tax governance, and its implications for the ‘bloc of constitutionality’, the protection of taxpayers’ and beneficiaries’ rights,and the fiscal space of peripheral and Global South economies to finance social rights.
- Theoretical and normative frameworks for an integrated social and tax constitutionalism, including procedural links between these areas of law, the repurposing of tax law as a tool for the implementation and expansion of social rights,

Workshop 62

Good Faith and Peace as a Principle in Constitutional Law

Chairs:

- Jan Podkowik j.podkowik@wpia.uw.edu.pl
- Alex Sander Pires aspires@autonoma.pt

This workshop explores how ethical and peace-oriented approaches can renew constitutional practice in an era of democratic and human rights crises. It examines 'good faith constitutionalism' as a normative and ethical foundation capable of preventing the instrumentalisation of the Constitution and reinforcing the Rule of Law. At the same time, it presents the culture of peace as a transformative framework that fosters dialogue, empathy, and cooperation within constitutional governance. By integrating these perspectives, the workshop aims to propose a sustainable model of constitutionalism grounded in trust, integrity, and the shared pursuit of peace as a constitutional value in a changing world.

Workshop 63

Constructing and Reimagining Constitutional Narratives through Pop Culture

Chairs:

- Jonathan Hafetz (Seton Hall Law School)
- Mara Malagodi (Warwick Law School)
- Giuseppe Martinico (Scuola Superiore Sant'Anna, Pisa)

This panel aims to explore how popular culture—through films, television series, comics, manga, and anime—represents, critiques, and reimagines constitutional values, institutions, and dilemmas. The intersection between law and popular culture is increasingly recognised as fertile ground for understanding how legal concepts travel beyond formal institutions and become part of the public imagination. In a world of shifting political, environmental, and technological landscapes, pop culture often anticipates or reflects societal tensions and aspirations surrounding constitutionalism, rights, and the role of the State. The workshop will bring together scholars working at the intersection of law, media studies, and constitutional theory to examine how constitutional ideas such as the separation of powers, human rights, the Rule of Law, and emergency powers are portrayed and problematised in fictional narratives. In line with the Congress theme, the panel will also reflect on how pop culture engages with notions of sustainability—political, social, and ecological—and with the possibility of constitutional renewal in the face of global crises.

Objetivos

• Investigar el papel de la cultura popular en la configuración de la percepción pública del derecho constitucional.

• Analizar cómo las representaciones ficticias de colapsos constitucionales, distopías o formas alternativas de gobierno reflejan las inquietudes constitucionales del mundo real.

• Evaluar si los medios de comunicación populares pueden considerarse una forma de crítica constitucional.

Temas de interés

Las posibles contribuciones podrían abordar temas como (entre otros):

• Distopías constitucionales y el colapso de las instituciones democráticas. • Poderes de emergencia y autoritarismo en la ciencia ficción y la fantasía.

• El poder judicial y los juicios en los medios de comunicación populares. • Identidad constitucional y multiculturalismo en la cultura pop global.

• Género, raza e interseccionalidad en la narrativa jurídica y la representación constitucional.

• Imaginarios constitucionales populares en las narrativas de superhéroes. • Constitucionalismo medioambiental en los medios de comunicación postapocalípticos.

Workshop 64
Workshop on Art and Human Rights

Chairs:

- Yolanda Sierra León yolanda.sierra@uexternado.edu.co
- María Isabel Rojas maria.isabel.rojas.ticona@vub.be

The relationships between art, aesthetics, and law allow for the understanding of a necessary yet understudied nexus between these disciplines, particularly applicable to Human Rights, Transitional Justice, and Constitutional Law. In this sense, this workshop aims to foster a transdisciplinary dialogue to propose analyses tending to establish the contribution of cultural heritage and the arts to the law, the defence of democracy, and human rights.

Thus, the following lines of analysis are proposed:

1. Cultural rights.
2. The right to symbolic reparation.
3. Aesthetic and Artistic Litigation for the defence of Human Rights.
4. Museology and cultural heritage with a Human Rights focus.
5. Women's rights and Art.

Emphasis is placed on the importance of proposing analyses from decolonial perspectives, which seek to question power structures inherited from colonialism, highlighting the knowledge systems inherent to communities and the feminine in relation to art and law.

Workshop 65

Art, Memory, and Symbolic Reparation: Sustainable Constitutionalism vis-à-vis the Promises of the 1991 Constitution

Chairs:

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- María Isabel Rojas maria.isabel.rojas.ticona@vub.be
- María Gabriela Ábalos. mgabalos@itcsa.net
- Dolunay Bulut. dolunaybulut@newschool.edu
- Jorge Luis Vaca Forero. jvacaforero@gmail.com

The Colombian Constitution of 1991 was conceived as a democratic watershed that promised inclusion, the recognition of ethnic and cultural diversity, the protection of fundamental rights, the expansion of mechanisms for citizen participation, and peacebuilding. However, more than three decades after its promulgation, outstanding debts persist regarding memory, truth, and reparation, especially for communities affected by the armed conflict and the structural violence that endures in Colombia.

Based on this framework, it is possible to affirm that artistic practices in Colombia have continuously reflected upon the political situation and how this ideal of a constitutional language—one capable of materialising and socialising processes of mourning, symbolic justice, and social pedagogy in the public space—is posited. Works, monuments, counter-monuments, and collective artistic practices propose a dialogue with the unfulfilled promises of the Charter of '91, creating new forms of constitutionalism that are read not only in tribunals but also in streets, museums, plazas, and territories.

The panel proposes to explore how contemporary artistic practices in Colombia can be understood as a dimension of constitutionalism, insofar as they develop tools for the fostering of intergenerational memory, community resilience, and cultural reparation that complement traditional legal responses to a changing world.

Lines of Analysis:

1. Constitutional promises and their artistic representations. How have the promises of the 1991 Constitution (pluralism, peace, participation, minority rights, the environment) been translated into artistic practices? Examples: works that reinterpret the preamble, the notion of a multicultural nation, or collective rights.
2. Art as a tool for memory and symbolic reparation. The role of art in processes of transitional justice, truth, and reparation in Colombia. Practices of counter-monuments, memorials, performances, or community weaving as expressions of cultural justice

3. Public space, art, and sustainable constitutionalism. The construction of public space as a site of constitutional and symbolic dispute. How works such as Fragmentos (Doris Salcedo) or Auras Anónimas (Beatriz González) dialogue with collective memory. Risks: censorship, political instrumentalisation, symbolic fatigue.

4. Aesthetic constitutionalism and social pedagogy. Art as a form of constitutional education, especially for marginalised populations. The potential of art to create active and conscious citizenship.

5. Intersection between art, cultural rights, and sustainability. Recognition of art as a cultural right protected by the Constitution (Arts. 70 and 71 of the Charter of '91). Sustainable dimension: how art guarantees the transmission of intergenerational memory, community resilience, and social cohesion.

Workshop 66

Regional Comparative Law

Chairs:

- Armin von Bogdandy bogdandy@mpil.de
- Carolina Bejarano Martínez bejarano-martinez@mpil.de
- Selin Esen selin.esen71@gmail.com

Comparative public law has long concentrated on national constitutions, legal families, and institutional interactions across courts and international regimes. More recently, global constitutionalism has emerged as a dominant paradigm, analysing transformations in the international legal order through constitutional categories such as the Rule of Law, separation of powers, constituent power, and rights. Yet, whilst these perspectives offer valuable insights, they risk overlooking the intermediate level of analysis where regional particularities decisively shape constitutional developments. This workshop proposal introduces 'regional comparative constitutional law' as a framework that bridges the gap between national and global analyses, emphasising the constitutional significance of regions as units of legal comparison.

Building on political science and international relations scholarship, the proposal situates regions as social constructions that reflect both geographical contiguity and normative interactions. Processes of institutionalised regionalism, such as those embodied by the European Union, coexist with dynamics of regionalisation generated by transnational political, economic, and cultural flows. Together, these processes give rise to distinctive regional orders. Whilst this scholarship has largely neglected the constitutional dimension of regional integration and ordering, the workshop aims to place law at the centre of such processes, exploring how constitutional norms and practices both shape and are shaped by regional dynamics.

The framework of regional comparative constitutional law entails a two-tiered comparative methodology. First, intra-regional comparisons assess how constitutional law contributes to defining regional orders and how regional societies generate constitutional phenomena with distinctive characteristics. Second, inter-regional comparisons build on these intra-regional findings, juxtaposing different regional orders to identify similarities, divergences, and potential cross-regional lessons. This dual approach, however, raises methodological and theoretical challenges. Among them are the selection of representative cases, the definition of 'regional constitutional law' in ways that capture internal diversity without sacrificing comparability, and the task of accounting for hegemonic regional influences exerted by powerful single-state actors such as Russia or China.

Existing scholarship has made important advances in this direction. European Union law has consolidated itself as a robust field of regional constitutional scholarship, offering a model of institutionalised regionalism with constitutional implications. Similarly, the Ius Constitutionale Commune en América Latina (ICCAL) project has underscored the regional dimension of Latin American constitutionalism, articulating shared principles and practices across national boundaries. Nonetheless, the inter-regional dimension remains underexplored, leaving significant questions open: What forms of regional constitutionalism emerge in the Caribbean, Eurasia, Asia, the Middle East, or Sub-Saharan Africa? How do regions interact with each other's constitutional frameworks, and under what conditions do inter-regional dynamics foster convergence, conflict, or mutual learning?

By addressing these questions, the workshop seeks to advance both conceptual depth and methodological clarity in the study of regional comparative constitutional law. It highlights the potential of regional perspectives to enrich the study of comparative law by grounding analyses in concrete contexts whilst generating insights for inter-regional dialogue. In doing so, it aspires to contribute to a more nuanced understanding of constitutionalism in a world increasingly structured by regional and inter-regional dynamics.

Workshop 67

The Contribution of Latin American Constitutionalism to Comparative Law

Chairs:

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- Sabrina Ragone sabrina.ragone2@unibo.it

Comparative studies, across all branches, have for decades been biased in favour of certain parts of the Western world, preferring European and North American legal orders, which are considered more advanced and superior points of reference. This bias is being deconstructed by 21st-century comparativists, who have demonstrated that the Global South, and specifically Latin America, provides extraordinary models and experiments that open new perspectives on traditional topics and settled questions in liberal constitutionalism.

The objective of this workshop, which is of a transversal nature, is precisely to reflect upon the importance of opening comparative studies in constitutional law to Latin American systems. Special reference will be made to forms of government (e.g., how has the adaptation of presidentialism contributed to rethinking the categories of this organisation of power?); fundamental rights (e.g., the experimentation within constitutional texts and national and Inter-American jurisprudence that has elaborated new rights or provided evolutive interpretations of classic ones); the rights of nature; constitutional change and reform (e.g., with reference to failed or successful attempts at change in recent decades); and systems of constitutional justice.

Abstract proposals should respond to these questions, with the option of choosing examples from all the aforementioned topics: Is it possible to configure a concept of Latin American constitutionalism that stands in contrast to traditional liberal models? In which areas is it indispensable to take into account the constitutions of Latin America to offer a comparative framework that is effectively comprehensive and relevant?

Workshop 68

Dialogical and conflictual comparative constitutionalism

Chairs:

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Constitutional crises and episodes of democratic backsliding are now recurring even in otherwise stable democracies. These shocks expose persistent weaknesses in how institutions manage conflict whilst preserving core constitutional values. The typical response—unilateral assertions of authority by either Parliament or the Judiciary—may secure short-term results but ultimately erodes legitimacy and inhibits institutional learning.

This workshop moves beyond diagnosis towards design. It asks a central question: how can constitutional systems structure principled exchanges between institutions so that disagreement produces reasoned deliberation, timely corrections, and durable settlements?

Theoretical Framework: Dialogical Comparative Constitutionalism Dialogical Comparative Constitutionalism (DCC) treats constitutional interpretation and decision-making as a reciprocal practice between the Legislature and the Judiciary. It occupies a middle ground between strong-form judicial supremacy and absolute legislative sovereignty. Whilst preserving the formal separation of powers, DCC introduces procedural duties to provide reasons and respond within defined forums and timeframes. Dialogue is conceived as institutional architecture, built on identifiable triggers for engagement, clear venues for exchange, and publication standards that make reasoning auditable. The aim is to stabilise rights protection, deepen democratic participation, and enhance policy adaptability over time.

Comparative Focus The workshop builds on a comparison of Italy and Australia, read alongside French practice, to show how dialogic infrastructures operate across different legal families. Both the Italian and Australian legal systems have navigated recent constitutional and political strains without collapsing into zero-sum institutional confrontations. In Italy, constitutional review uses dialogic techniques that signal to the legislature and calibrate the temporal effects of decisions to invite statutory adjustment whilst preserving distinct roles. In Australian state and territory settings, rights-oriented review frameworks create structured exchanges that encourage parliamentary reconsideration without directly invalidating laws.

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These approaches are contested in both Italy and Australia; the seminar treats that contestation as an analytical opportunity to test when dialogue improves coordination and when it risks hindering separation of powers principles. France has been leading the way in Dialogical Comparative Constitutionalism, and perhaps it could serve as a reference for comparative enrichment. In France, advisory scrutiny of draft legislation and constitutional review before promulgation embed reason-giving within executive and legislative processes. France and other similar examples might indicate that the building blocks for dialogical constitutionalism exist, yet they remain fragmented and under-theorised as a portable toolkit.

Call for Contributions We invite theory-led and empirical papers that specify the triggers, forums, and protocols that initiate and sustain dialogue, and that develop concise indicators to assess its quality and effects. Contributions should test the portability of these models across diverse institutional, historical, and cultural contexts, including federal and devolved systems and settings with additional interpretive authorities, such as Indigenous legal orders and independent agencies. Authors are encouraged to address the potential benefits of dialectical engagement, as well as its attendant risks, including judicial and legislative overreach.

Workshop 69
What is Asian Constitutional Law?

Chairs:

• David Law davidlaw@virginia.edu

When we study 'constitutional law in Asia', what exactly are we trying to study? Is it possible to speak of some coherent and distinctive subject of enquiry called 'Asian constitutional law', and if so, what is it? In theory, one might show that a particular region possesses its own brand or strain of constitutionalism or constitutional law by demonstrating inter-regional divergence, intra-regional cohesion, or some combination thereof. In the case of Asia, the task is complicated because intra-regional cohesion and regional governance institutions are weak. This workshop will explore why, and in what ways, it is possible to speak of 'Asian constitutional law' as a substantively meaningful object of discourse and study.

Workshop 70
Language, Translation and Method for Sustainable Constitutional Law

Chairs:

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- Ino Augsberg augsberg@law.uni-kiel.de
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Legal education and research in constitutional law are increasingly confronted with linguistic and methodological challenges, as the comprehension of intricate legal phenomena requires not only conceptual clarity but also linguistic and cultural awareness and sensitivity. Although legal scholarship is one of the oldest academic disciplines, the debate on legal language and method remains to this day sparse and sporadic, even if some studies have been dedicated to methodology and language and their interconnection, thus opening new avenues of enquiry. This often leaves legal scholars unaware of the need for a proper (legal) methodological approach to describe the complexity of comparison in an era of globalisation, characterised as it is by a continuous flow of ideas, traditions, and terminology across jurisdictions. This situation has thus elicited demands for a decolonisation of the discipline and a re-evaluation of the methodological foundations upon which constitutional law scholarship is conducted. At the same time, concerns about language from a constitutional outlook are upgrading the level of investigation in the field of law and linguistics. This is increasingly having an impact on the training of new generations of legal scholars.

Simultaneously, the very concept of the Constitution has evolved beyond the Nation-State, being transferred to supranational and even international contexts, where law circulates through processes of translation—both linguistic and conceptual. The translation of constitutional law thus poses not only a question of legal theory regarding the notion of the norm, which is sometimes understood as an unalterable substrate that can be expressed in different ways. Translation processes also pose a practical problem: if norms are inseparable from the language in which they are expressed, then each act of translation necessarily transforms the law itself. The experience of multilingual constitutional and international courts underscores this tension: Does the form of presentation really not affect the essential content? Or is the content necessarily influenced by the way it is presented to listeners or readers?

A more thorough discussion on appropriate research methodologies and languages in the field has thus become a pressing concern, as a new toolbox and new ideas are needed. Accordingly, the purpose of this workshop is to gather a group of constitutional law scholars to sharpen focus on linguistic and methodological aspects in (comparative) constitutional law—including the impact of teaching-learning methodologies—to develop a sustainable theory and practice of constitutional law.

Questions to be discussed may include (but are not limited to) the following themes:

- Importance of national languages in discussions at domestic and international levels, considering the role of English as a lingua franca.
- Ways in which methods and languages can cope with the impact of globalisation on legal traditions, and how they can develop a global heritage.
- Legal pluralism, cultural traditions, and critical comparison.
- Ways to reply to negative constitutional law.
- Translation situations in individual national constitutional courts and international courts, potential problems arising from multilingual jurisprudence, and the most suitable methodological approaches for situating the work of constitutional courts in comparative debate.
- Constitutionalisation processes as translation processes.
- The constitutional basis for linguistic human rights, such as the right to use one's own language when communicating with public officials and during court proceedings, and the practical problems of implementing these rights.
- Transfer of non-legal expertise and its processing in constitutional court decisions, and ways of carrying out interdisciplinary research.
- The role of Global English for legal studies within a sustainable constitutional framework.

Workshop 71

Bridging Traditions: Forging a Shared Language in Comparative Constitutional Law

Chairs:

- Dr. İlker Gökhan Şen igokhansen@gmail.com i.g.sen@jus.uio.no

The global conversation in comparative constitutional law has been profoundly shaped by the use of English as its lingua franca. Whilst this has advanced the discipline globally, it has also led to an epistemological imbalance between the descriptive and behaviouralist approaches common in Anglo-American scholarship and the State-centred theoretical framework of the Continental European tradition. Anglo-American scholars, often separated by a language barrier, can be unaware of the nearly two-century-old debates within Continental law concerning foundational concepts like the State-Law conundrum and the nature of constituent power. Conversely, the Continental tradition struggles to contribute its unique perspectives to the dominant Anglosphere discourse. This dynamic creates a gap where insights are not effectively transferred between these two rich intellectual traditions.

This workshop aims to create a constructive dialogue between these scholarly approaches to foster a more integrated and coherent analytical framework. We will explore how re-centring the State as a ‘conceptual compass’ can help clarify and structure the discussion of contemporary constitutional challenges. By placing Anglosphere and Continental European traditions in conversation, we can enhance our collective understanding of core constitutional issues and the enduring, paradoxical relationship between the State and the Constitution. The goal is to move towards universally understandable analytical frameworks that bridge scholarly divides and improve communication across different legal communities. We aim to produce a special issue or edited volume from this workshop.

Workshop 72

Blockchain and Constitutional Thinking

Chairs:

• HUNG, Roberto: rhungc@gmail.com

In an era of digital transformation, blockchain technology redefines constitutional governance by enhancing transparency, immutability, and decentralised decision-making. Blockchain technology has instituted a new normative framework, empowering and connecting individuals through frictionless decentralised global networks. Combined with new arbitration networks and community-based legal systems, it fuels the next wave of global cooperation.

The workshop 'Blockchain and Constitutional Thinking' bridges traditional constitutional scholarship —focused on the Rule of Law, constitutional rights, constitutional justice, and due process—with modern blockchain governance models. It addresses the Congress theme, 'Sustainable Constitutionalism: Answers for a Changing World', by exploring how blockchain fosters innovative legal perspectives in constitutional law, promoting accountable governance that mitigates power imbalances through verifiable, tamper-resistant systems, and offers equal access for all through unbiased technology.

Blockchain's immutable ledgers and smart contracts strengthen the Rule of Law by ensuring the transparent enforcement of constitutional norms, securing power control and fundamental rights protection. Decentralised governance mechanisms, as observed in phenomena like Bitcoin and projects like Cardano, promote participatory justice akin to constitutional assemblies, aligning with polycentric systems where legitimacy derives from distributed authority and consent rather than centralised hierarchies.

The integration of LegalTech leverages blockchain tools, such as arbitration platforms, to streamline judicial processes and enhance due process, making constitutional justice more accessible, efficient, and equitable. For instance, blockchain-based solutions enable scalable, transparent dispute resolution, complementing traditional courts or other suitable dispute resolution mechanisms, thereby strengthening fundamental rights protection in digital ecosystems. Decentralised justice, advanced by Kleros through crowdsourced adjudication, offers neutral, scalable conflict resolution mechanisms, supporting sustainable constitutional frameworks that meet the demands of an interconnected world.

This workshop examines how blockchain technology enhances and reshapes traditional normative law. We invite interdisciplinary contributions from academics, jurists, and technologists to examine blockchain's implications for constitutional theory and practice. Key questions include: How can blockchain technology improve law-making and possibly institute a new separation of powers? What is the aim of constitutional law and can this be expressed in code? How do decentralised legal systems and LegalTech address challenges like digital sovereignty, human rights, and governance in polycentric environments? Can the cross-border, voluntary cooperation seen in decentralised networks change how we look at normative principles? Can decentralised networks play a role in safeguarding foundational rights amid global uncertainties?

Case studies, normative analyses, or comparative perspectives are welcome, exploring how blockchain can bolster the legitimacy and resilience of constitutional systems. Contributions may draw inspiration from emerging research (e.g., Thysse's Decentralized Law, the 2023 EUI conference 'Blockchain Constitutionalism'), addressing both theoretical and practical applications of these technologies in law. By fostering interdisciplinary dialogue, the workshop proposes sustainable constitutional innovations that ensure resilience in political regimes and jurisprudence, adapting to the challenges of a changing world. It welcomes diverse perspectives to enrich global constitutional discourse, promoting an exchange that integrates law, technology, and governance. The workshop remains open to abstracts in the second round of the call, aiming for inclusivity and pluralism in contributions.

Workshop 73

The Digital Revolution and the Crisis of Constitutionalism

Chairs:

- Joao Paulo Allain Teixeira jpallain@hotmail.com
- Nicolo Basigli nicolo_basigli@univali.br
- Thaís Janaina Wenczenovicz t.wencze@terra.com.br

The rise of authoritarian, violent, and hateful rhetoric and policies, together with the expansion of ultra-neoliberal agendas and the digital world, underscores the need to reflect on legal transformations in contemporary constitutionalism. This workshop proposes to discuss the meanings that constitutions assume in the face of new forms of digital domination. It also seeks to articulate the technological context with colonial continuities and the contemporary crisis of democracy.

The workshop aims to bring together research and critical reflections on the impacts of digital and 'phygital' (the hybridisation of the physical and the digital) expansion on constitutionalism. It will problematise how digital technology, algorithms, platforms, and data infrastructures challenge classic categories of constitutional law, such as sovereignty, democracy, fundamental rights, citizenship, and the separation of powers. Priority will be given to approaches that investigate the relationship between digital colonialism and the fragility of constitutional institutions, discussing the effects of new forms of algorithmic governance on democratic legitimacy. Alternatives such as technodiversity and decolonial constitutionalism will be discussed as democratic resistance strategies and means of institutional strengthening. This workshop seeks to foster interdisciplinary and critical debate on the limits and reinventions of constitutionalism in the digital age.

Workshop 74

Constitutionalism for the Digital Republic: Reconfiguring the Constitutional Architecture in the Face of Disruptive Technologies

Chairs:
- Daniel Castaño daniel.castano@uexternado.edu.co

This workshop explores the transformation of the foundations of modern constitutionalism in the face of the challenges posed by contemporary disruptive technologies: artificial intelligence, blockchain, augmented and virtual reality (AR/VR), neurotechnologies, and quantum computing. The Digital Republic emerges as an evolutionary constitutional form that responds to the crisis of the institutional assumptions of the liberal rule-of-law State, taking shape as a political community in which fundamental constitutional principles are articulated with adaptive institutional architectures designed to govern technological environments characterized by systemic complexity, structural uncertainty, and accelerated transformation.

Classical liberal constitutionalism, consolidated since the bourgeois revolutions of the eighteenth century and developed during the first industrial revolutions, structured the organization of political power through fundamental principles: constitutional supremacy and normative rigidity; legality as a limit on state power; functional separation of public powers as a system of checks and balances; representative democracy as a source of legitimacy; and judicial protection of fundamental rights as an inviolable sphere against public and private power. This constitutional architecture was designed for societies characterized by normative stability, incremental change, and relative predictability in social, economic, and technological relations.

However, contemporary disruptive technologies operate under radically different logics: adaptive systems characterized by heterogeneous agents making evolutionary decisions; dynamic interactions that generate emergent effects not reducible to their individual components; and nonlinear feedback loops in which small modifications trigger unpredictable systemic consequences. This divergence creates a structural tension between the assumptions of classical constitutionalism and the demands of effective governance of technological complexity.

The resulting mismatch is not merely an administrative inefficiency, but a constitutional crisis that affects the fundamental pillars of the Rule of Law: the principle of legality faces technologies that evolve at a speed surpassing the lawmaker's normative capacity; the separation of powers must be rearticulated when technical complexity requires specialized functional integration; representative democracy requires new mechanisms of legitimation when highly specialized technical decisions determine the material content of fundamental public policies; and fundamental rights demand conceptual redefinition and innovative protection mechanisms in the face of previously nonexistent threats.

The Digital Republic proposes a reconceptualization of constitutionalism that preserves its axiological core —human dignity, freedom, equality, legal certainty— while transforming its institutional mechanisms of effectiveness. Its backbone lies in a "language of legality" that articulates enduring constitutional values with changing technical realities, allowing constitutional normativity to operate effectively in contexts of systemic complexity without sacrificing legal certainty, democratic control, or the protection of fundamental rights.

THEMATIC AXES:

1. Constitutional Foundations of the Digital Republic: Normative Supremacy, Constitutional Rigidity, and Constituent Power in the Technological Era
2. Principle of Legality and Statutory Reserve: Legal Certainty, Specificity, and Normative Determination in the Face of Technological Complexity
3. Separation of Powers and Form of Government: Reciprocal Controls, Checks and Balances in the Technological Administrative State
4. Fundamental Rights in the Digital Age: Dogmatics, Essential Content, Limits, and Judicial Guarantees

Workshop 75

Authorisation for the Processing of Personal Data in the Digital Economy

Chairs:

- Adriana Castro Pinzón: adriana.castro@uexternado.edu.co
- Juan Carlos Upegui: juan.upegui@uexternado.edu.co
- Silvana Fortich: silvana.fortich@uexternado.edu.co
- Nestor Osuna: NESTOR.OSUNA@uexternado.edu.co

This workshop invites reflection upon the instrument of authorisation for the processing of personal data in the digital economy, welcoming contributions on topics such as:

- A philosophical approach to individual liberty in relation to control over one's own personal information.
- Informational self-determination, habeas data, or the protection of personal data?
- Authorisation as a legal act or agreement viewed from the general theory of contract or legal transactions.
- Authorisation and legitimising bases for the processing of personal data.
- How to manage authorisations: opt-in and opt-out rights based on authorisation, dynamic and differentiated authorisations, revocation.
- Behavioural economics and its impact on authorisation.

Workshop 76

Algorithmic Democracy, Ethnic Minorities, and Political Polarisation

Chairs:

- Giovanni Fernando Amado Oliveros: gfamado@uniboyaca.edu.co; gfamado79@ucatolica.edu.co
- Mary Luz Tobón Tobón: mtobon@universidadmayor.edu.co
- Tania Vivas Barrera: tgvivas@ucatolica.edu.co
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Although the advent of Artificial Intelligence (AI) represents a challenge for democratic systems —particularly in the sphere of administrative activity—it may also be perceived as an opportunity for strengthening democracy at the level of principles and normativity, where transparency and algorithmic participation play a significant role from the perspective of Article 209 of the 1991 Constitution and Article 3 of Law 1437 of 2011.

In recent decades, the quality of democracy has experienced a notable decline, marked by the concentration of power, the diminution of citizen participation, and institutional weakening. The current geopolitical juncture and structural changes have accelerated this trend, evidencing the fragility of representative democracies and, in contrast, the apparent rise of authoritarian regimes, especially following the pandemic. This context of democratic crisis coincides with the emergence of Artificial Intelligence (AI), a disruptive technology that presents new and complex challenges for democratic systems, particularly in the realm of digital platforms and social networks. The present study focuses on the analysis of how AI, in its duality, can both erode the pillars of democracy and offer powerful tools.

The capacity of AI to analyse, predict, and even influence human thought poses fundamental questions regarding privacy, autonomy, and the manipulation of individual decisions. In political contexts, this power translates into a real risk for contemporary democracies, as it can deepen polarisation, erode public deliberation, and facilitate the manipulation of citizen perceptions. This phenomenon not only affects the dynamics of electoral processes but also redefines the relationship between citizens, political power, and emerging technologies.

The objectives of this study are:

1. To analyse the challenges implied by the use of Artificial Intelligence in the democratic context, identifying the specific risks represented by this technology.
2. To evaluate the potential of AI as a tool for the strengthening of democracy, exploring its applications in the improvement of citizen participation and the fight against disinformation.
3. To analyse the participation of indigenous minorities in democratic systems.
4. To explore how AI is contributing to political polarisation and transforming democratic systems. Furthermore, a set of regulatory measures oriented towards guaranteeing the ethical use of this technology and mitigating its risks is proposed, identifying the most significant opportunities and potential challenges.

Workshop 77

Strengthening Democracy and the Rule of Law Through Artificial Intelligence

Chairs:

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- RAFAEL BUSTOS GISBERT rafabust@ucm.es

This workshop proposes to reflect upon and analyse the manner in which Artificial Intelligence (AI) can be, is being, and has been used as a tool for the improvement of the Rule of Law and democracy within constitutional systems.

We assume that technological advances are irreversible and result in better living conditions for all. The risks posed by AI to the Rule of Law are undoubted, but in this workshop, we wish to focus on the exploration of pathways for the development of AI to the benefit (and not the peril) of basic constitutional principles. Therefore, the aim is to address both the theoretical and practical aspects of the advantages of AI technology for the Rule of Law, democracy, and fundamental rights.

Two basic lines of analysis are proposed. First, to expose AI applications already in operation in the public sector of each country, or tools designed for the greater efficacy of the powers of the State and for the improvement of the quality of democracy and its functioning. This includes concrete elements such as rights of political participation in general (especially political freedom of expression), the right to suffrage in its two aspects, electoral processes (with special attention to electoral campaigns), electoral litigation, citizen influence on the decisions of representatives, or accountability to the electorate.

Second, to evaluate the current validity of legal categories and adapt their content to new algorithmic realities, formulating proposals for reinterpretation, transformation, or new concepts, and pointing out the criteria and limits that developments in AI must follow in a democratic State governed by the Rule of Law. In this sense, reflection should be undertaken, on the one hand, regarding whether concepts such as responsibility, judicial independence, the efficacy of the administration of justice, political and budgetary control, the quality of laws, the right of political participation, the right to information, etc., must be updated; and on the other hand, regarding whether new concepts must be legally profiled—both in their content and in their limits—such as transparency, traceability, interpretability, inclusivity and digital literacy, trustworthiness, control, and human centrality.

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Workshop 78

The Transparent State: Constitutional Tensions between Openness and Protection

Chairs:

- Claudia Fuchs
- Maria Ph.Bertel
- Philipp Homar

Transparency is a cornerstone of democratic legitimacy and an essential condition for governmental accountability in constitutional democracies. Public access to State-held information empowers civic participation, facilitates informed public discourse, and serves as a safeguard against the abuse of power. At the same time, the constitutional commitment to transparency gives rise to complex legal and normative questions: How can openness be reconciled with legitimate interests in secrecy, such as national security or diplomatic confidentiality? What is the relationship between the State's duty to disclose and the fundamental rights of third parties, particularly in relation to privacy, data protection, commercial confidentiality, and Intellectual Property? And how do new technological developments challenge traditional understandings of openness and information control?

This panel, 'The Transparent State', explores these questions from both comparative constitutional and interdisciplinary perspectives. It examines how different constitutional systems define and limit governmental transparency, how they protect third-party rights, and how they respond to the growing demands of the digital public sphere. Particular attention will be given to the interaction between freedom of information, freedom of expression, and the evolving role of State secrecy in an era of rapid technological and societal change.

In doing so, the panel engages with the broader framework of sustainable constitutionalism, seeking to understand how transparency and competing constitutional values can be balanced in ways that preserve democratic legitimacy, institutional resilience, and rights protection over time. The panel aims to critically assess normative foundations and emerging legal developments whilst identifying pathways towards a constitutionally coherent and sustainable balance between transparency and the protection of competing rights and interests.

Workshop 79

Lobbying and Democracy in Comparative Law

Chairs:

- Pier Luigi Petrillo pierluigi.petrillo@unitelmasapienza.it
- Roberto Di Maria roberto.dimaria@unikore.it
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Lobbying activity is a cornerstone of democratic systems, given its crucial role in setting political priorities and shaping public decisions. The connection between lobbying and democracy is so intrinsic that the qualitative performance of each democratic system largely depends on its capacity to regulate interest representation effectively, ensuring transparency in decision-making, accountability of public officials, and the participation of interest groups in the political process. In recent decades, regulating the relationship between lobbies and decision-makers—addressed in an increasing number of countries worldwide—has become increasingly urgent. The crisis of political parties, the rise of new societal demands, the return of substantial public investments in the economy, and globalisation have all amplified the influence of lobbies on public decision-making, increasing the risk of producing distortions that could undermine the proper functioning of democratic governance.

Whilst comparative legal scholarship has long analysed and classified lobbying regulatory systems based on their capacity to ensure transparency and accountability in decision-making, contemporary challenges to democracies call for ongoing research and open new, uncharted avenues of investigation. Moreover, very few studies have assessed the effects of lobbying regulations on the implementation of fundamental rights.

Contributors are invited to reflect on questions such as:

- How does the presence—or absence—of lobbying regulation affect the quality of democratic governance? Which reforms in lobbying regulation could support democratic transitions or help prevent and counteract democratic backsliding?
- How do lobbying regulation systems compare across jurisdictions in their capacity to enable broader participation of interest groups and the public in the decision-making process? To what extent do they address the issue of promoting equal opportunities in access to and influence on decisions among interest groups with unequal power and resources?

- What is the appropriate level of lobbying regulation to avoid both insufficient regulation and over-regulation? What is the proper balance in lobbying regulation between a coercive, enforcement-focused approach and a voluntary, self-regulatory one?
- Does the regulation—or absence of regulation—of lobbying activity affect the implementation of fundamental rights? And if so, do the effects tend to enhance the effectiveness of those rights or to restrict them?

Workshop 80
Disintermediation and Neo-intermediation

Chairs:
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- Andrea Gatti andrea.gatti.1@unipd.it
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Disintermediation is defined as the process of eliminating or significantly reducing the traditional intermediaries that previously regulated, validated, and assumed responsibility for information flows and legal relations.

In the context of individual freedom of expression, the practice of direct publication via platforms has the effect of diminishing the role of editors and broadcasters. Whilst access and pluralism are enhanced, concomitantly there is a decline in the presence of editorial safeguards, reply/rectification mechanisms, and professional accountability. The centre of gravity shifts to private algorithmic curation and terms of service, thus giving rise to classic constitutional questions, which are now mediated by code and platform governance rather than by public law alone.

The digital dimension per se is subject to profound structural influences. Disintermediation is a process whereby the control of data moves from centralised entities to distributed architectures, such as self-custody, peer-to-peer networks, and blockchain technologies. Nevertheless, this process paradoxically implies a re-intermediation or pseudo-intermediation of new entities by large platforms, which may constrain individual liberty even more severely.

With regards to privacy, for instance, disintermediation has the potential to challenge the fundamental principles of lawfulness and purpose limitation (the question arises as to who will define and enforce the concept of ‘purpose’ across a decentralised ledger), data minimisation, and proportionality. However, the problem of invisible profiling means the algorithm becomes the real intermediary (is the constitutional safeguard of the ‘human-in-the-loop’ sufficient to re-intermediate?).

The panel faces, amongst others, the following ultimate question: to what extent in this disintermediated (or neo-intermediated) digital society can traditional constitutional grammar, including concepts such as personhood, dignity, and the Rule of Law, be considered applicable?

Workshop 81

The Constitution of a Sustainable Democracy

Chairs:

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- Andrés Abel Rodriguez Villabona androdriguezv@unal.edu.co
- Rodrigo Uprimny Yepes ruprimny@dejusticia.org

Decades ago, a significant interdisciplinary reflection took place regarding the optimal constitutional designs for achieving better democracies. This led to debates concerning parliamentarianism versus presidentialism, electoral systems, territorial organisation, and superior forms of constitutional justice, inter alia. However, this reflection on institutional designs for democracy tended to be abandoned due to a certain disdain for so-called 'constitutional engineering'. Nevertheless, we believe that in the face of the current democratic decline, such reflection is indispensable.

The workshop will therefore discuss whether specific constitutional designs exist that are better suited than others to deepen democracy, render it more sustainable, and confront democratic decline. The objective is to receive papers addressing debates on the schemes that best defend and deepen democracy, whether regarding the form of government,territorial organisation, electoral systems, judicial organisation, the protection of rights, etc.

Workshop 82
Federalism and Sustainability in a Changing World

Chairs:

- Giacomo Delledonne, giacomo.delledonne@santannapisa.it
- Erika Arban, erika.arban@unimelb.edu.au
- Antonia Baraggia, antonia.baraggia@unimi.it

Sustainability, by now a well-established principle in constitutional law, points to the need to preserve and protect specific interests or goods over time. Although this notion emerged in the field of environmental law, its relevance is not limited thereto, impacting other disciplines as well.

Federal and quasi-federal arrangements—characterised as they are by a combination of self-rule and shared rule—are commonly viewed as constitutional and political arrangements inherently capable of adapting to evolving circumstances due to their innate flexibility. However, in the current geopolitical context, federal systems (broadly construed) are called upon to face new and unprecedented challenges, to a certain extent distinct from those that favoured the emergence of federalism in the first instance.

The purpose of this workshop is to discuss the sustainability of federal arrangements in dealing with old and new challenges in this rapidly evolving global scenario. Scholars are thus invited to submit proposals on a range of topics that include (but are not limited to) the following:

1. The sustainability of federal constitutional arrangements. Over the course of time, the rationale of federal constitutions has been explained in terms of the vertical separation of powers or, more recently, the accommodation of cultural pluralism. Can the language of sustainability contribute to developing a better understanding of the functioning of federal systems? Is it possible to explain the combination of self-rule and shared rule in terms of sustainability? From the vantage point of sustainability, how can (or should) federal constitutions address asymmetric trends or secessionist claims?
2. The ability of federal orders to react to major challenges in an age of ‘polycrisis’. Are federal systems well-equipped (or ill-equipped) to cope with health, environmental, and climate crises? Does the current polycrisis necessitate a reconsideration of the fundamental elements of federal constitutions?
3. The sustainability of federalism in a rapidly evolving world. What may be the distinctive contribution of federalism in addressing globalisation, the digital/AI challenge, and urbanisation (especially in the Global South)? Does the well-known conception of federalism as a catalyst for innovation and experimentation still hold validity?

Workshop 83

Exploring the New Fourth Branch

Chairs:

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Accountability requires public authorities to justify their actions and to be subject to oversight. The growing demand to monitor executive action has fuelled, worldwide, the establishment of independent bodies devoted to this role.

In recent decades, particularly emerging from the Global South, new constitutional institutions have appeared that do not fit neatly into the traditional tripartite separation of powers. Alongside courts, numerous independent bodies—such as central banks, electoral commissions, ombudsmen, anti-corruption agencies, and human rights institutions—have been created to ensure transparency and remove sensitive functions from political control. Their independence and monitoring role have led scholars to describe them as a 'new fourth branch', or a 'new ephorate', marking a shift away from a rigid view of the separation of powers. The proliferation of these 'guarantor institutions' has become a global phenomenon, with significant impact on the structure and functioning of constitutional systems.

The workshop aims to explore the category of the 'fourth branch' of government and its definition(s), examining the institutions that fall within it, their degree of independence, their functions, their modes of operation, and their de factoinfluence on constitutional systems.

Particular attention will be devoted to the role these bodies play in safeguarding constitutional democracies, both by ensuring transparency and by providing checks against abuses of power. Through theoretical and practical perspectives, the workshop seeks to shed light on the significance and functioning of this evolving branch for the resilience and legitimacy of democratic governance.

The workshop welcomes contributions engaging with fourth-branch institutions from a number of different approaches: historical, philosophical, and conceptual, as well as those based on their policy impact, institutional design, and influence on the protection of fundamental rights, including national case studies and comparative analyses.

Workshop 84
Checkmate to Independent Agencies: Is Democracy at Risk?

Chairs:
- Aníbal Zarate: anibal.zarate@uexternado.edu.co

Independent agencies have been at the center of a crucial debate: Are they compatible with democracy and the separation of powers, or do they contradict them? This question is far from theoretical. It has resurfaced with force in recent years, as governments in several countries have sought to expand executive influence over these institutions – reclaiming regulatory powers, asserting broad discretion to dismiss members of their governing boards, or even abolishing agencies altogether under the pretext of fiscal austerity.

The main question – and the core of this Workshop – is straightforward: Are we witnessing the beginning of the end for independent agencies? Addressing this issue requires examining whether these pressures represent a genuine threat to the preservation of democratic systems, particularly at a time marked by the rise of state-driven populism and the crisis of liberal democracies.

Beyond their impact on environmental or economic regulation, the attacks on independent agencies seem to be part of a broader context of deep divisions, often used to justify, in the name of a "virtuous people" and "unique leaders", the dismantling of institutional checks and balances. In this narrative, regulators are portrayed as part of a technocratic apparatus, detached from citizens' concerns and serving the "corrupt elites".

The crisis facing independent administrative agencies also reflects the crisis of the Regulatory State and its inability to fulfill its foundational promises. Ironically, critics seeking to revive older models of state intervention – whether policing-oriented or welfare-centered – often deepen polarization. In doing so, they reshape public decision-making to favor their own political side, to the detriment of opposing interests.

For these reasons, it is essential to reflect on the need to preserve the independent structures now under attack. As counter-powers, they support liberal democracy and embody both institutional restraint and the legitimate distrust citizens may feel toward their elected representatives. This Workshop provides a vital opportunity to discuss their role, their autonomy, and the future of independent oversight in democratic societies.

Workshop 85

New Waves in Constituent Power

Chairs:

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- Hector GONZALEZ hector.gonzalez@ubordeaux.fr

The concept of constituent power is a recurring theme in constitutional doctrine. Linked to that of popular sovereignty, it permeates seminal texts of our discipline, including The Social Contract by J.J. Rousseau, The Federalist Papers by J. Madison, A. Hamilton, and J. Jay, What is the Third Estate? by E-J. Sieyès, and Carl Schmitt's Constitutional Theory. We owe to them the classic dichotomy between two forms of constituent power. The first is responsible for drafting and establishing the Constitution; this is the original constituent power. The second has the function of amending the Constitution according to a procedure and within limits set by the first; this is the derived constituent power.

However, the concept of constituent power has always aroused suspicion among jurists, particularly positivists. Raymond Carré de Malberg went so far as to consider that 'there is no place in public law for a chapter devoted to a legal theory of coups d'état or revolutions and their effects'.

Despite these criticisms, the concept of constituent power is a fertile subject that is currently undergoing renewed consideration. It is presently undergoing transformations that reveal tensions both within the theory itself and between theory and constitutional practice. These tensions raise questions that cannot fail to challenge constitutionalists. Can we still speak of the uniqueness of constituent power? How can we consider the existence of legal constraints on the exercise of constituent power? How can we design a constituent power that meets the requirements of sustainable constitutionalism?

The theory of constituent power is set to be renewed by contemporary constitutional experiences, constitutional jurisprudence, and the theoretical developments that feed into it. It is precisely with this in mind that this workshop has been organised. Recent constituent movements in Latin America, such as in Chile and El Salvador, or those to come, notably in Bangladesh or Sudan, and the issues that underlie them, justify re-examining the question of constituent power in its various aspects. Moreover, they require legal scholars to renew their frameworks of thought.

Workshop 86

Constituent Power in Dispute

Chairs:

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Constituent power, traditionally associated with moments of foundational rupture and democratic renewal, has been increasingly invoked in contexts where a tension arises between legality and legitimacy. However, its invocation is not necessarily synonymous with democratisation. Authoritarian leaders have instrumentalised the language of constituent power to weaken institutional controls, extend mandates, and consolidate personalist regimes. This workshop proposes to explore the contemporary ambivalence of constituent power: How can we distinguish between a process of democratic regeneration and an attempt at constitutional autocratisation?

Three thematic axes will be discussed:

1. Instrumentalisation of constituent power in hybrid and authoritarian regimes: Case studies on how the 'will of the people' was invoked to dismantle limits on power.
2. Normative and theoretical criteria for differentiating a democratic constituent power from an authoritarian one: Inclusion, plural participation, public deliberation, transparency, and social control.
3. The role of constitutional courts, academia, and civil society regarding constituent processes: Are there forms of containment? How can they act as guardians of democratic principles in the face of authoritarian 'refounding'?

The objective of the workshop is to offer theoretical and comparative tools to critically analyse contemporary constituent processes, highlighting the need to safeguard democracy even (and especially) when actions are taken in its name.

Workshop 87
Constituent Power and Constitutional Reform

Chairs:

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The legal concept of the Constitution presents, preserves, and recognises within its hard core a series of basic concepts of constitutionalism, among which are constituent power, constituted power, and the power of constitutional reform or revision, which have validity within the logic of the Constitutional Rule of Law.

Constituent power, which is responsible for drafting a legal constitution, becomes the foundation of constitutional supremacy; in other words, the people, as the sole holder of popular sovereignty, dictate and approve the constitution. Thus, the moment in which the transformation of popular sovereignty into legal sovereignty occurs is materialised. To avoid reducing either the democratic principle or the legal principle of constitutional supremacy, and rather to reconcile such postures, it is understood that popular sovereignty and democratic legitimacy survive indirectly within the text of the constitution. In these terms, the difference between constituent power and constituted power (or between constitutional law and ordinary law) is derived from the legal constitution. Constituted power can be understood as a power ordered and limited by the constitution, whereas constituent power is understood as a sovereign and unlimited power.

The constitution presented in these terms not only proposes constituted organs as substantive entities inserted into the form of organisation and functioning, but also embodies the procedure of the power of revision of the constitution, which is a regulated, ordered, and limited power. In this sense, this complex and aggravated procedural path has been termed in doctrine as 'constitutional rigidity', which, as is well known, is understood as one of the foundations of constitutional supremacy.

The legal constitution in the Constitutional Rule of Law cannot be considered immutable or unmodifiable; on the contrary, to guarantee its constitutional continuity, it must present mechanisms for change. Thus, constitutional reform arises, seeking to organise the process of transformation of the constitution within the logic of the Constitutional Rule of Law. Now, in this context, constitutional reform presents itself as a consequence of the need to adapt constitutions to reality due to constant evolution, as well as the need to resolve the existence of constitutional vacuums derived from the context it intends to regulate.

In that vein, the power of reform—ordered, regulated, and limited by the constitution—comes to perform its functions, above all, contemplating the adequacy between legal and political reality, giving legal continuity to the State, and presenting itself as a basic institution of guarantee.

Thus, constitutional reform, which presents itself as aggravated and complex—understood in turn as constitutional rigidity—poses certain essential requirements in the constitutional procedure of the revision power. The organisation of this transformation process implies identifying the simple or complex mechanisms of rigidity; the institutions that must participate (Parliament, the people organised via referendum, and the Government understood as the Executive Power); and the moment in which the reform should take place, whether it is appropriate at any moment or only in times of necessity.

In this line of argument, having presented the scope that the reform process should have, it is also pertinent to reflect on the limits or frontiers of constitutional reform in the logic of the Constitutional Rule of Law, which precisely highlights the difference between constituent power and the power of constitutional revision. From this, it can be noted that limits may be of different types, such as formal (relative or superable) and substantive (absolute or insuperable), beyond other typologies such as explicit or implicit, superior or inferior, temporal or non-temporal, heteronomous or autonomous limits. Regarding the formal limit, it can be deduced that the limit is composed of the special reform procedure. Regarding the material limit, this comprises the non-modification of certain material contents (fundamental rights, the republican form of government, the judicial review of laws, etc.) that play a role in the dynamics of the Constitutional Rule of Law.

Having mentioned these preliminary questions of a conceptual nature regarding the implications for constituent power, constituted power, and the power of constitutional reform, this working group intends to discuss conceptual problems within the framework of the logic of the Constitutional Rule of Law; it should be noted that these difficulties are currently being discussed in constitutional doctrine.

In this sense, we can signal that these problems pose interesting questions, such as: a) Within this aforementioned logic, is there space to accept the identification between constituent power and the power of constitutional reform or revision? b) To what extent is it possible to accept that constituent power can modify the constitution directly, bypassing the formal procedure? c) Is it possible to accept that the power of constitutional revision can effect a substantial change to the constitution? d) And if so, is it possible to accept that certain constitutional contents cannot be the object of the constitutional reforming power? e) Finally, could judicial review regarding this power of constitutional reform be justified?

Based on the questions posed above, this working group seeks to discuss in depth the form, content, and possible limits of the reforming power of the Constitution, as well as its relationship with other powers, particularly constitutional jurisdiction. The discussion of these fundamental questions takes place within a context where constitutional States have begun to adopt a more authoritarian character, often through constitutional reforms. In this sense, the role of academia is to rethink and question the established categories regarding constitutional reform. This latter idea is the principal goal of this working group. The papers presented in this working group will subsequently be published in a compilation volume.

Workshop 88

Constitution-Making and Constitutional Reform

Chairs:

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- Luisa Fernanda García luisa.garcia@urosario.edu.co
- Gonzalo Andrés Ramírez gonzalo.ramirez@uexternado.edu.co

Every year and in every region of the world, new constitutions are enacted and existing constitutions are revised. Constitution-making and constitutional reform occur in parliamentary and presidential systems, jurisdictions rooted in the Civil Law and Common Law, the Global North and Global South, and in countries ranging from full democracies to authoritarian states. Are there identifiable trends in these moments and processes of constitutional activity? Are they prompted by similar or dissimilar stimuli? Do certain regions of the world engage more frequently than others in constitutional renewal? Are there best practices and some to be avoided? What can we learn from successes and failures? Do courts have a role in overseeing these episodes? What is the optimal division of labour among Executives, Legislatures, and the people? How can we evaluate the legality and legitimacy of constitution-making and constitutional reform? What are the relative costs and benefits of formal and informal procedures in constitutional change? These are only a few suggested questions that may serve as a springboard for submissions to this Workshop.

This Workshop on constitution-making and constitutional reform is a forum to discuss all aspects of constitutional change from perspectives including but not limited to comparative, doctrinal, empirical, historical, sociological, and theoretical. Panellists are invited to focus on amendment, dismemberment, and/or replacement, in forms both formal and informal. The Convenors intend to foster an affirming, inclusive, and mutually supportive environment in which panellists may develop ideas into papers, draft submissions, and prepare papers for publication.

Workshop 89

Democratic Constitutionalism, Constituent Processes, and Constitutional Reforms

Chairs:

- Gustavo Ferreira Santos: gustavo.santos@unicap.br
- Roberto Viciano Pastor: roberto.viciano@uv.es
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Constitutionalism and democracy are terms that are associated, although they refer to different and, to a certain extent, opposing ideas. Whilst ‘constitutionalism’ emphasises the limitation of power through the protection of rights, democracy refers to the problem of the popular legitimation of power. Constitutional practice must assume the challenge of harmonising both ideas, avoiding the objective of limiting power becoming a pretext for restricting the access of certain individuals and groups to institutions. At the same time, it must prevent the justification of the popular foundation of power being used to render rights vulnerable and to concentrate power.

Faced with formal constitutionalism or authoritarianism concealed under a constitutional guise, the term ‘democratic constitutionalism’ responds to this commitment and is used to define different constitutional movements that assume the task of reconciling both terms, seeking their true fulfilment. The workshop welcomes works that deal with different meanings and aspects of ‘democratic constitutionalism’ in constitutional theory (constituent power and constitutional reform), constitutional history (constitutional movements), or comparative law (democratic constituent experiences or specific problems regarding the attempt to democratise constitutional reform procedures). This includes, for example, topics such as: mechanisms of citizen participation, the role of constitutional courts in the protection of rights within a democratic framework, decentralisation and regional autonomies as tools for the democratisation of power, the impact of digital technologies on democratic participation, minority rights ensuring inclusion and representation, and civic education and constitutional culture.

Workshop 90

Constitutional Change in Africa: Between democracy, coups and courts

Chairs:

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Constitutional change is especially frequent in Africa, with constitutions being replaced or substantially amended more often than in other regions. Indeed, in the general introduction to Constitutional Change and Constitutionalism in Africa(2025), Fombad and Steytler suggest that rather than leading to more stable democratic orders and sustainable constitutionalism, 'the post-1990 wave of constitutional reforms appears to have provoked a contagious fever of making, unmaking, and remaking constitutions'—rather than showing resilience, post-Cold War constitutions in Africa appear to be particularly vulnerable. Most recently, a rash of coups in Francophone Africa has seen constitutions replaced by transitional charters allowing for military government and, subsequently, sometimes replaced by constitutions designed by the military. At the same time, attempts at constitutional change to deepen democracy by, for instance, reducing executive powers, increasing accountability mechanisms, strengthening the independence of the judicial system, and enhancing rights protection are now seldom successful.

This workshop will discuss these matters, considering, inter alia: incentives for changing constitutions and the contexts in which change is most likely to succeed; potent barriers to constitutional change; effective amendment rules; the role of public participation in constitutional change and its impact on the likelihood of success in attempts to change a constitution; and the vice and virtue of supranational constitutionalism for viable national constitutions.

Papers may either reflect on the situation in a specific country/regional organisation or adopt a comparative law perspective, contrasting the situations and solutions in different countries/regional organisations or emphasising the influence of different national trajectories or cultures. Conceptual and theoretical approaches are equally welcome.

WORLD CONGRESS OF CONSTITUTIONAL LAW

Workshop 91
Carl Schmitt versus Hans Kelsen

Chairs:

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One hundred years after the controversy regarding the essence and value of democracy, or the question of who should be the Guardian of the Constitution—a debate protagonised by the most prominent jurists of the Weimar Republic and, possibly, of the entire 20th century—we face the 21st century with too many fears and similar interrogatives. As if that were not enough, across the globe—beginning with the United States—we face a devastating attack on the democratic form of government, as imperfect as humans themselves, as José Mujica liked to recall. However, our role as constitutionalists remains to engage in pedagogy and—in the face of dogmas, myths, or fictions in the best of cases; or against disinformation, deceit, and the most clamorous lies of so many leaders before their peoples—we must continue to defend the only political construction worth fighting for, seeking its best interpretation and development.

The clash between the two titans of Constitutional Law—Carl Schmitt (1888-1985) and Hans Kelsen (1881-1973)—still speaks to us, providing a doctrinal base as antagonistic as it is indispensable for understanding, even today, the two faces of our area of knowledge of which Norberto Bobbio spoke:

- On the one hand, Politics and the Power of powers, with the absolute Sovereign and unlimited Constituent Power, from the decisionism of Carl Schmitt's 'pure democracy'.
- On the other, the Law and its Norm of norms or, beyond the 'Pure Theory', the basic function of the Constitution as a legal limit to political power, which Hans Kelsen taught us.

And, upon this tension between sovereignty (without limits) and constitutionalism (limits to Power, even that of the People in democracy), the distinction between popular dictatorship and democratic constitutionalism is reborn today:

- The first, with Schmitt as the original inspirer of the construction of the People-as-One from the radicalisation of the constituent paradox and his Vox Populi, Vox Dei (Margaret Canovan, Laclau, Mouffe, etc.), alongside increasingly explicit attacks on constitutionalism and its limits on power from certain political jurisprudence (Martin Loughlin).
- The second, with Kelsen and his democracy in freedom based on tolerance, respect for human rights and minorities, and also the plurality with which 'We, the People' is described (Lijphart, Rawls, Habermas, etc.), alongside the reconstruction of democracy from a constitutionalism that seeks to overcome statist monism and even encompass the entire Earth (Luigi Ferrajoli).

From this standpoint, this working group has many questions it will seek to resolve:

- Must we continue to assume the tension between Power and Law, Sovereignty and Constitution, as irreducible?
- Can we continue to qualify democracy as liberal?
- Or must we postulate the overcoming of this tension and, indeed, of the liberal qualification of democracy, to reconstruct its reality without so many dogmas, myths, fictions, and lies?

However, we propose not to remain in the mere analysis of doctrinal and jurisprudential debates. We also seek new approaches and some answers in that conceptual battle which may determine the course of the war—civil and global—between the two forms of State that are currently fighting hand-to-hand: (constitutional) democracy and (populist?) autocracy. And here, constitutionalism has much to say to redefine not only these concepts, but also all those so charged with identity and collective symbolism that they cannot be left in the hands of the enemies of democracy: People, Nation, and Citizenship; Sovereignty, Constituent Power, and Constituted Powers; the Rule of Law and the Constitution, its intangibility, destruction, or reform, et cetera.

In the context of Latin America, this tension manifests intensely: constituent processes in dispute, innovative constitutions, and recent authoritarian regressions show that the region is simultaneously a laboratory of democratic constitutionalism and a stage for constant threats to its validity. The dilemmas between constituent power and constitutional limits traverse political history and continue to define the quality of Latin American democracies.

Ultimately, from the doctrinal struggle between Schmitt and Kelsen, and analysing their successes and also their many failures, this working group proposes to review the value and foundations of any constitutionalism that wishes to call itself democratic: here, now, and always.

Workshop 92

Judicial Review and Elections in the Age of Constitutional Retrogression

Chairs:

- Cristina Fasone cristinafasone@gmail.com
- Graziella Romeo graziella.romeo@unibocconi.it

Elections are a sensitive matter in any constitutional democracy. Their holding involves the expression of the people's will and their results determine who rules the country for the years to come, provided that they are free and competitive. Traditionally, despite being at the core of democratic politics, in most constitutional systems Courts have refrained from invalidating electoral legislation or, at least, have adopted a cautious approach. The same applies to the power to invalidate elections, where conferred to Courts. Over the last few years, however, forms of judicial activism have emerged in this domain as well, potentially triggering forms of political backlash against courts. This new judicial attitude and the political reactions raise questions regarding the protection ensured to the Rule of Law and fundamental rights, notably political rights.

The workshop engages with the reasons for these ongoing trends—ranging from the fragmentation of present societies, the weakness of political parties, the mutual distrust between judicial and representative institutions, processes of supranational integration and the growing number of courts, disinformation, the role of digital platforms and AI, and threats of foreign interference with domestic elections—and with the problems they entail for the proper functioning of constitutional systems on a domestic and global level.

he workshop, organised in connection with the activity of the IACL Research Group on Judicial Review and Electoral Law, invites submissions addressing, but not limited to, the following issues analysed through historical, philosophical, doctrinal, empirical, or comparative approaches:

- The nature of the constitutional system and the powers of courts in electoral matters.
- The quality and fairness of electoral procedures and the legitimacy of courts.
- Judicial interpretation and techniques when dealing with elections.

Courts intervening in electoral formulas and the design of constituencies.

- The idea(s) of democracy channelled through the judicial review of electoral law and electoral results.
- Systems for the verification of credentials of elected representatives and the role of different institutional actors (i.e., legislatures, governments, electoral commissions, ordinary courts, electoral tribunals, Constitutional Courts).
- Adjudicating on presidential elections vs. adjudicating on the elections of representative assemblies.
- The regulation of electoral campaigns and financing before the judicial branch.
- Elections at different levels of government (local, state/regional, national, supranational) and judicial review.

Workshop 93

Digital Challenges to Democratic Resilience: Comparative Legal Responses to Electoral Disinformation in Europe and Latin America

Chairs:

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- Fernanda Rodríguez González (f.rodriguez.g@outlook.com)
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The irruption of new technologies represents both enormous benefits and substantial risks for contemporary democratic systems. Social networks, whilst widening debate and including traditionally excluded voices, have also created the foundations for the dissemination of disinformation designed to deceive the population and affect their political preferences, which has a negative impact on the integrity of elections. This threat has been recognised as existential for democracy, which currently faces a regulatory deficit and normative insufficiency to address it effectively.

This workshop invites the presentation of abstracts for an academic dialogue centred on how electoral disinformation is being confronted from the perspective of comparative public law in Europe and Latin America. We seek to analyse and contrast the legal responses that diverse legal and institutional cultures have developed to resolve similar structural problems. The comparison between the legal traditions of both regions—the European, which has advanced in directives and norms, and the Latin American, which explores a 'hybrid' path influenced by both Europe and the United States—is fundamental to our analysis.

The objective is to identify common patterns, differences, and similarities in judicial and normative responses, evaluating how cultural, historical, and contextual factors influence them. Ultimately, we aspire to develop propositive conclusions regarding a possible trans-regional regime of response to electoral disinformation that strengthens democratic resilience.

Proposals addressing, inter alia, the following thematic axes will be accepted:

a) Transformative Digital Constitutionalism: Analysis of how constitutional values are transferred to the digital sphere to protect democracy and political rights against disinformation.

b) Comparative Judicial Responses: Studies of landmark judgments from constitutional and electoral courts in Europe (e.g., Germany, Spain, Italy, Romania) and Latin America (e.g., Brazil, Mexico, Colombia), as well as Regional Human Rights Courts. c) Normative Frameworks and Platform Regulation: Comparative analyses of existing regulatory frameworks, such as the Digital Services Act (DSA) in the EU and the Marco Civil da Internet in Brazil, and their effects in the fight against disinformation. d) Regional Standards and their Application: Research on the use of Inter-American and European democratic standards in national judicial decisions and regulations to guarantee free and fair elections. e) Transversal Themes: Contributions exploring the intersection of disinformation with the use of Artificial Intelligence in electoral campaigns, content moderation, and the protection of personal data.

Authors are suggested to employ a contextualised functionalist analysis methodology to evaluate how different legal systems resolve common challenges.

Workshop 94

Elections in the Age of Global Mobility

Chairs:

- Adam BOUBEL, Université Paris 8, adam.boubel02@etud.univ-paris8.fr
- Raphaël GIRARD, University of Exeter Law School, R.Girard@exeter.ac.uk

The major increase in international migration flows in recent years has brought renewed attention to the participation of emigrants in the political life of their countries of origin. According to recent data from International IDEA, as of 2020, 73% of 204 surveyed states and territories provided for some form of extraterritorial or external voting, broadly understood as procedures which enable some or all electors of a country who are temporarily or permanently outside the country to exercise their voting rights from outside the national territory (Ellis, 2007).

Whilst this development is often seen as a pragmatic adaptation of electoral processes to global mobility, it nevertheless raises significant, complex, and under-explored constitutional and legal challenges. This workshop proposes to examine these issues from a comparative and interdisciplinary perspective, engaging both normative and practical dimensions of extraterritorial enfranchisement.

Key themes to be addressed include:

1. The decoupling of citizenship from territoriality and its implications for democratic legitimacy.
2. The recognition of a right to political participation from abroad under international and regional law.
3. Disparities in national legislation on emigrant voting rights.
4. Host state sovereignty and the legal constraints on organising elections abroad.
5. Practical challenges and the role of technology in facilitating external voting and ensuring accessibility.
6. The compatibility of extraterritorial voting mechanisms with constitutional principles, existing legal frameworks, and electoral heritage.
7. The legal and political significance of dedicated representation for emigrants (e.g., reserved parliamentary seats).

- Residence as a criterion for (or source of) discrimination.
- Objective criteria that may justify maintaining a substantive bond between the emigrant and the home state (e.g., taxation, remittances, minimum periods of residence, or single nationality requirements).
- The challenges and limitations of conducting impartial election observation for extraterritorial voting processes.

Workshop 95

Algorithms, Electoral Systems, and Constitutional Sustainability

Chairs:

- Francesco Clementi
- Vânia Siciliano Aieta

This panel addresses a challenge for constitutional sustainability in the twenty-first century: the impact of algorithms, artificial intelligence, and digital technologies on political representation and electoral systems. Electoral systems are decisive instruments through which democracies seek to balance equality, proportionality, and effectiveness. Their design always involves compromises that affect the legitimacy and stability of institutions. Today, the increasing use of computational methods —from algorithmic redistricting to electronic voting—reshapes these dilemmas, introducing new tensions between constitutional guarantees and technological innovation.

Beyond electoral procedures, algorithms now play a central role in structuring the digital public sphere, influencing the formation of public opinion and the circulation of information. This raises crucial constitutional questions about how to safeguard democratic pluralism and prevent algorithmic dynamics from amplifying disinformation, manipulation, or extremist content. Strengthening legal and institutional capacity to ensure transparency, accountability, and fundamental rights in the digital space has become essential for the defence of democracy.

The integration of algorithms and AI into electoral processes raises crucial questions: How can transparency be ensured when decisions are automated? How can algorithmic bias be prevented from undermining the equality of the vote? What institutional safeguards are needed to make electronic and online voting both efficient and resilient against cybersecurity risks? These are not merely technical issues: at stake is the ability of constitutional democracy to adapt to digital transformations without eroding its foundational values.

Although often overlooked in legal scholarship, the relationship between electoral design, algorithms, and new technologies has always been strategic for democratic quality. By adopting an interdisciplinary approach, the panel intends to analyse these dilemmas from a comparative perspective, with particular attention to Europe (starting with Italy) and Latin America (with a focus on Brazil). The aim is to provide responses that show how constitutional systems can remain sustainable —capable of preserving inclusion and legitimacy.

Workshop 96

Are Political Parties Responsible for the Democratic Crisis?

Chairs:

- CarlosGechem carlos.gechem@uexternado.edu.co

Within the framework of the theme 'Democracy: Growth, Retrogression, Repair, and Reactivation', a workshop is proposed consisting of an analysis of the true role of political parties in Latin American democracies.

The subject of political parties must be viewed from at least two complementary points of view. On the one hand, beyond the ideological elements that appear in the definition of political parties or their vocation for permanence and national presence, one cannot forget that the principal aim of parties is to access power.

On the other hand, parties constitute the exclusive path of access to power. That is to say, in principle, only through them can a citizen access positions of power.

Consequently, the crisis of political parties is, without a doubt, the crisis of democracy. In that order of ideas, the study of the growth or retrogression of democracy passes through the study of the true role played by parties in a determined political system.

Based on the foregoing, it is proposed to conduct a working group on the reality of political parties in Latin America. It is worth considering, amongst many other topics: What is the true specific weight of partisan organisations in our democracies? Can our political system be conceived without parties?

Workshop 97
Abusive Law-Making Practices and Democratic Resilience

Chairs:

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- Victor Marcel Pinheiro :victor.marcel.pinheiro@gmail.com
- Sebastien Soto, Professor at Universidad Católica de Chile, Email: sebastian.soto.velasco@gmail.com

The quality of law-making is a cornerstone of constitutional democracy. Yet, across the globe, abusive legislative practices have increasingly undermined democratic institutions, eroded trust in representative bodies, and weakened fundamental rights protections. These practices take many forms: from accelerated legislative procedures without genuine debate or public consultation, to executive bypassing of parliaments, the misuse of omnibus bills, or the systematic marginalisation of parliamentary opposition. Whilst formally often lawful, such procedures distort or subvert the constitutional purpose of law-making rules and corrode the democratic process itself.

This workshop seeks to explore the phenomenon of abusive law-making practices and the role that institutions—particularly courts—play in safeguarding democratic resilience. We define abusive law-making as the enactment of laws by either misusing or violating procedural rules that contradict the constitutional purposes of parliamentary law-making. By democratic resilience, we mean the dynamic capacity of a constitutional system to withstand and adapt to challenges by not only resisting democratic backsliding but also by transforming itself through new institutional practices and legal arguments that strengthen its ability to pre-empt future threats. A key question animating this discussion is whether and how constitutional (both judicial and non-judicial) review can effectively address abusive law-making and help maintain democratic resilience. Whilst oversight may also be exercised by non-judicial actors—such as parliamentary committees, Heads of State, or independent agencies—experience shows that many disputes eventually reach courts. The comparative study of judicial responses is therefore particularly illuminating for understanding the potential and limits of institutional resilience in the face of abuse.

The workshop invites contributions from a variety of perspectives—doctrinal, comparative, theoretical, and interdisciplinary. Possible topics include (but are not limited to):

- Conceptualising and identifying abusive law-making practices in different jurisdictions.
- The varieties and efficacy of judicial and non-judicial review of the legislative process.
- How abusive law-making affects the protection of fundamental rights and the separation of powers.
- Innovations in legislative processes that enhance transparency, participation, and accountability.
- The role of international organisations in monitoring domestic law-making practices and setting standards.

By examining these questions in comparative perspective, the workshop aims to deepen our understanding of the links between law-making practices and the durability of constitutional democracy.

Workshop 98

Parliaments Under Pressure

Chairs:

• Zsolt Szabó szabo.zsolt@kre.hu

Parliaments are traditional and central institutions of constitutional democracies. However, they are now losing the central position of power they achieved in the 19th century. The growing competences of the State strengthen Executives, and representative institutions can hardly keep pace with this tendency. Populist movements, authoritarian tendencies, and polarisation further weaken legislatures, which sometimes even become targets of violent attacks. Parliaments' capacities to fulfil their traditional roles are increasingly challenged.

The workshop aims to examine this shift, giving examples, comparing jurisdictions, and possibly finding best practices to strengthen legislatures, democratic norms, and parliamentary values. This can include presentations on MPs and parties, house rules, law-making or oversight functions, the internal organisation of parliaments, and the relationship between parliaments and governments.

Workshop 99

Democratic Law-Making in Latin America

Chairs:

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- Salvador Sánchez G salvasan30@hotmail.com
- Amalia Fallet agf2150@columbia.edu

This Workshop gathers a group of scholars from Latin America who are collectively researching the interconnections between democracy and the legislative process. Latin America is not monolithic; there is no single, optimal model for legislation. However, when it comes to designing legislation and making laws, democracies on paper usually aspire to legislation compliant with the Rule of Law, democracy, and human rights. This is the common ground against which participating scholars will investigate law-making processes in their countries, what challenges and innovations the national legislative process faces and can produce in the 2020s, and what tensions emerge given divergent social and political conditions and constitutional and international law commitments. The panel includes participants of a research group currently authoring chapters on their respective countries for an edited volume. Other researchers are welcome to submit papers on this topic as well.

Workshop 100

Judicial Independence as a Cornerstone of Democratic Resilience

Chairs:

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- Sabrina Ragone: sabrina.ragone2@unibo.it
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Judicial independence is a structural pillar sustaining the Rule of Law, democracy, and human rights. Across Latin America and Europe, both external independence (protection from interference by other branches of government or private interests) and internal independence (autonomy within the judiciary itself) face increasing pressures. These threats arise from authoritarian currents, populist governments, and the political instrumentalisation of judicial appointment, promotion, and removal processes.

This workshop will explore how these challenges manifest in diverse constitutional settings, drawing on comparative experiences from both continents. Case studies—ranging from Bolivia, Ecuador, Chile, and Mexico to Hungary, Poland, and Spain—illustrate how judicial independence is weakened through mechanisms such as executive dominance in appointments, the politicisation of judicial councils, opacity in promotions, or constitutional reforms curtailing tenure and retirement ages.

At the same time, participants will examine how democratic resilience is expressed through adaptive responses: constitutional counter-reforms, decisions of constitutional courts, compliance with international rulings (Inter-American Court of Human Rights, European Court of Human Rights, Court of Justice of the EU), and broader strategies that reinforce judicial independence as part of regional legal cultures.

Objectives of the Workshop:

- To discuss how the politicisation of judicial careers undermines judicial independence.
- To compare the instruments and practices eroding judicial independence in Latin America and Europe.
- To highlight the adaptive strategies and legal-cultural factors that have helped restore independence and strengthen democratic resilience.
- To foster a trans-regional conversation that identifies common patterns, divergences, and lessons learned.

Workshop Format: The workshop will bring together leading scholars and practitioners of comparative constitutional law, judicial governance, and human rights. The format emphasises dialogue, interaction, and collaborative reflection across regions and disciplines.

Methodological Interest: The workshop adopts a multi-level comparative approach, connecting intra-regional (national and supranational) perspectives with trans-regional dialogues between Latin America and Europe. This framework allows for the identification of both converging and diverging patterns of judicial independence under political stress, whilst situating them within broader socio-political and legal-cultural contexts. It emphasises mutual learning, the cross-fertilisation of arguments, and the comparative analysis of democracies at different levels of consolidation.

WORLD CONGRESS OF CONSTITUTIONAL LAW

Workshop 101
Election of Judges by Popular Vote

Chairs:
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- Adriana García García adriana.garcia@nyu.edu

In the diverse expressions of the Rule of Law model characteristic of the Continental European legal tradition, the election of the highest political authorities—through the individual, direct, and secret vote of the citizenry—stands as the paradigm of political representation. In this context, the majoritarian principle functions as the principal mechanism of democratic legitimation for elected authorities. Conversely, in this same model, the selection of high-ranking authorities within justice systems—magistrates of Supreme Courts, Judicial Councils, or Attorneys General—is conducted via second-degree mechanisms. In these instances, one or several elected authorities, or a combination thereof, select,nominate, and/or elect adjudicators guided by the meritocratic principle, with the objective of guaranteeing their separation and independence from other state powers.

In recent years, several Latin American countries have modified their constitutional texts to incorporate—with varying scopes—the election of judges by popular vote. This mechanism was already utilised in the United States and Switzerland. In the former, the majority of states elect certain judges in this manner or require a vote to confirm their appointment (retention election). This same mechanism is employed in Switzerland at the cantonal level to elect certain first-instance judges. In Latin America, Bolivia introduced it for the election of all its high courts in its 2009 constitutional text; and in 2024, Mexico adopted it for the election of the totality of federal and state judges in the country.

The proposed workshop seeks to explore the transplantation of these mechanisms in light of the apparent tension between the majoritarian principle and the meritocratic principle, addressing the following questions: Is the tension between these principles irresolvable, or is it possible to introduce safeguards that allow for its resolution? What are the limits of the mechanism of popular election in the case of adjudicators? What are its potential impacts on the guarantee of judicial independence?

Workshop 102

Judicial Appointments in Global Constitutionalism

Chairs:

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The 21st century is highlighting that the Judiciary in many countries (of both the Civil Law continental tradition and the Common Law Anglo-Saxon tradition) is facing and leading numerous reforms. It is necessary to enquire into the causes of this global phenomenon. It is important to reflect upon the objectives with which so many new reforms are substantiated.

On the one hand, we observe that judicial reforms are being undertaken in highly diverse scenarios, which requires a broad perspective capable of relating political, social, economic, and cultural contexts to such reforms. Only by utilising a 'long-range lens' can the described scenario be studied. Furthermore, this broad analysis should be useful for subsequent reflection on the relationships and connections between judicial reform and democracy.

On the other hand, we must also use a 'close-up lens' on each reform model. Moreover, we should be capable of examining and thinking about each concrete piece that actively participates in the reform proposal—and, in a special manner, the specific piece regarding the election of judges. We are conscious that the puzzle of judicial reform is composed of many more pieces: the executive-judicial relationship, the existence (or lack thereof) of a judicial governance body, salaries, the relationship with the media, judicial legitimacy, diversity, responsibility and/or accountability, retirement age, mechanisms of access to the judicial career, professional promotion, mechanisms for appointing judges, disciplinary procedures, the role of judicial associations, the election of members of the judicial governance body, the efficacy of jurisprudence, et cetera.

For many years—probably since the end of the 19th century and throughout the 20th—we have articulated the majority of works and reflections on the Judiciary starting from the incontestable premise of judicial independence. Any reform, however distinct, was undertaken whilst hoisting the flag of judicial independence; any new piece in the design of the puzzle—the reformer—was placed for the sake of potentiating judicial independence.

Does this great principle also require an update and a certain redesign? Have we been constructing a concept of judicial independence so broad, lax, and, in a certain sense, 'bespoke', that it is no longer properly recognisable? What judges do we need?

The close-up and long-range perspectives we propose regarding the Judiciary and its many reforms could prove to be an optimal working scenario for providing some answers to these complex questions.

Workshop 103

Mexico Judicial Reform

Chairs:

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- Juan Manuel Acuñajmacuna@up.edu.mx
- Celia Mizrahi cmizrahi@up.edu.mx
- Jaime Olaiz-González jolaiz@up.edu.mx
- José María Soberanes Díez jmsoberanes@up.edu.mx
- Francisco Vázquez Gómez fvazquez@up.edu.mx

This panel aims to explore the causes that led to, and the implications originating from, the consequential constitutional amendment regarding the Judiciary passed in September 2024. This amendment—which entailed a major overhaul of unprecedented characteristics—was at odds with the distinctive values and purposes of liberal democracy and constitutionalism, representing an overt obliteration of the principle of the separation of powers and crippling judicial independence as a safeguard against the politicisation of justice. This workshop is intended to explore the benefits—if any—and the drawbacks of this constitutional change, alongside the growing concern that it may be replicated in other jurisdictions with its daunting implications.

Workshop 104

The Judiciary Facing Populism and Illiberalism

Chairs:

- Francesco Biagi francesco.biagi82@gmail.com
- Julien Jeanneney jeanneney@unistra.fr
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Over the past few years a growing number of states have experienced a “reverse wave,” in which the rule of law is progressively replaced by the rule by law: the law is no longer understood by political leaders as a limit on power, but rather as an instrument to facilitate its expansion. These incremental processes of democratic erosion have often generated a “political gray zone” typical of hybrid systems — the so-called “illiberal democracies” — frequently led by populist forces. At the heart of this transformation lies the judiciary — understood broadly, encompassing ordinary courts, constitutional courts, supreme courts, but also judicial councils.

This workshop will investigate, from a comparative perspective, the role of the judiciary under illiberal-populist regimes. Several aspects will be considered, including: a) The tools commonly used by populist leaders to capture the judiciary; b) Why the judiciary is almost invariably targeted by illiberal leaders; c) How courts, once captured by illiberal-populist forces, evolve from institutions resisting authoritarian tendencies into central allies of the ruling majority; d) The reasoning of populist courts, which is often marked, inter alia, by the instrumentalization of liberal-democratic principles and a systematic opposition to international institutions; e) If and how Courts can protect a country from a process of democratic deterioration; f) The complex process of restoring judicial independence after a period of democratic decay.

Selected contributions to this workshop will be published in an edited volume or in a law journal.

Workshop 105

Constitutionalism on Trial: Populism and Democracy in Latin America and Europe

Chairs:

- Andrea Castagnola andreacastagnola@yahoo.com
- David Kosař kosmen@yahoo.com
- Julio Ríos Figueroa julio.rios@itam.mx
- Nino Tsereteli n.tsereteli@democracy-reporting.org

This workshop invites submissions that analyse the role that judges, courts, and other actors of the 'legal complex' play in democratic resilience, particularly in resisting attempts by democratically elected leaders to subvert democracy. We seek papers that address how laws and legal cultures regarding judicial autonomy and tenure influence the capacity and willingness of these actors to resist attacks and safeguard democracy. We invite papers from different regions and perspectives that focus on how one—or several—actor(s) within the constellation of the legal complex (such as judges' associations, prosecutors, bar associations, judicial councils, courts of different types and levels, law schools, and law students) organise to resist attacks on the integrity and independence of the judicial system, as well as other aspects of the processes of democratic erosion. Collectively, our expertise spans the Latin American and European regions (with a focus on countries such as Hungary, Poland, Georgia, Czechia, Mexico, Brazil, and Argentina), but we invite papers from countries in other regions that are undergoing similar processes. The workshop also considers the interaction of judges and courts with supranational bodies, the impact of international judicial networks, and soft law norms, in order to understand how the law can serve as a tool for democratic preservation, adaptation, and transformation in the face of institutional erosion.

Workshop 106
Democracy and the Judicial Function

Chairs:

- Ramiro Bejarano Guzmán: dprocesal@uexternado.edu.co
- Adriana Rojas Ciro: adriana.rojas4@uexternado.edu.co
- Laura Huertas Montero: laura.huertas@uexternado.edu.co
- Fredy Toscano López: fredy.toscano@uexternado.edu.co
- Luis Guillermo Acero: luis.acero@uexternado.edu.co
- Camilo Valenzuela Bernal: camilo.valenzuela@uexternado.edu.co

Judicial tribunals around the world play a pivotal role in the development and sustainability of constitutions. The crisis of political institutions and the reconfiguration of the Executive and Legislative powers in the current political and ideological climate reveal the importance of studying the function of judges as guarantors of the individual and collective rights of citizens and, ultimately, of the democratic values upon which society is sustained.

Distinct phenomena of an institutional, political, normative, and technological nature condition the manner in which the adjudicative function is exercised, posing significant contemporary challenges.

This workshop intends to analyse the influence of these phenomena on the exercise of the judicial function as a democratic value, as well as the response of judges to the crisis of democratic values, which constitutes nothing less than the guarantee of the human right of access to justice as a response to the challenges of modern constitutionalism.

Interested parties are invited to submit their abstracts addressing this general theme and developing, in a special manner, problems pertaining to:

- The motivation of judicial and arbitral decisions as a source of legitimacy for the judicial function and a guarantee of access to justice.
- Challenges of digital justice.
- Legislative powers of judges and limits to the judicial function.
- Criteria for the selection of judicial judgments for review by High Courts (docket selection).
- Exercise of the jurisdictional function vis-à-vis counter-majoritarian and pro-majoritarian political powers.
- Judicial clientelism and the crisis in the judicial career.
- Delegation of jurisdictional functions to the Executive Power and private parties.
- Judicial abuse.
- Procedural guarantees in a democracy.

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Workshop 107

The Administrative Jurisdiction as Guarantor of Democracy

Chairs:

- Rafael Ostau de Lafont Pianeta rafael.lafont@uexternado.edu.co
- Bernardo Carvajal Sánchez bernardo.carvajal@uexternado.edu.co

In the constitutional design of a significant number of States, especially following the French experience, the Contentious-Administrative Jurisdiction (CAJ) has consolidated itself as a fundamental pillar of the Rule of Law, aimed at ensuring the effective subjection of public authorities to the Law and controlling the democratic exercise of power. Such is the case with the adoption in Colombia of the Council of State (Consejo de Estado) and the contentious-administrative jurisdiction, the evolution of which is important to highlight, understand, and study from the perspectives of national constitutionalism and comparative public law. All of this is also relevant from a political science perspective, as the controls, procedures, and competences implemented impact the entirety of the cycle of the exercise of political power.

The problems that this workshop seeks to address are principally the following: Does the CAJ control the exercise of public power in all its cycles (elections, nominations, removals, the legality of acts and contracts of the public administration, the extracontractual liability of the State for the actions or omissions of its agents)? Is this an absolute judicial control, or do zones excluded from the judicial control of the CAJ subsist, which are also not attributed to other authorities of the Judicial Branch? Is there an inextricable link between the control exercised by the CAJ in light of the principle of the Democratic Rule of Law and the constitutional guarantee of its independence regarding other powers?

Workshop 108

Designing for the Future: Constitutional Tools for Intergenerational Justice

Chairs:

- **Antonio D’Aloia**
- **Irene Spigno**

Constitutional systems are increasingly required to address the long-term sustainability of democratic governance, especially in relation to the protection of future generations. One emerging practice is the assessment of the impact of legislation on future generations, which has gained visibility in pioneering jurisdictions such as Wales and Finland. Hungary has even established an Ombudsman for Future Generations, whilst Italy is currently discussing the potential introduction of a similar mechanism through legislative proposals and academic debate. These developments reflect the growing need to embed intergenerational justice within constitutional practice. This trend is particularly visible in Latin America, where innovative forms of constitutional environmentalism—such as the recognition of the rights of nature in Ecuador and Bolivia, and the Colombian jurisprudence on the Amazon—have explicitly linked environmental protection to the rights of future generations. More broadly, constitutional courts—from Germany to South Korea—have recognised that laws must account for long-term effects on future rights. These initiatives show that the sustainability of constitutional systems depends not only on immediate legitimacy but also on their capacity to preserve the rights of those yet to come.

A second, often overlooked dimension is the role of age thresholds in political and judicial office. Minimum ages for candidacy, retirement ages for judges, and automatic limits for high offices all represent constitutional mechanisms for balancing generational turnover with institutional continuity. Whilst some systems, such as the United States, lack formal age limits for judges (with Supreme Court Justices holding lifetime appointments), others adopt strict retirement ages to guarantee renewal. These rules illustrate how constitutions structure intergenerational power-sharing and raise normative questions about fairness, competence, and sustainability.

By combining these two perspectives—the procedural innovation of impact assessments and the structural function of age limits—the panel aims to investigate how constitutional systems can consciously integrate the interests of future generations. The comparative outlook will shed light on whether such mechanisms can become effective tools for reconciling democratic accountability with the long-term sustainability of constitutional orders. This workshop proposal already includes the participation of Enrico Campelli (Pegaso University) and Davide Ragone (Sapienza University of Rome).

Workshop 109

Transitional justice dialogue

Chairs:

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In recent years, with increasing frequency, constitutional judges have faced cases that transcend the local and are inserted into problems possessing a global dimension. That is to say, cases addressing challenges that affect the world in its entirety, although their manifestations may differ and impact certain countries or regions differently. These matters pose the challenge of defining a judicial role that, although limited, can contribute to addressing challenges common to humanity by driving collective actions.

However, this role is not devoid of criticisms characterising it as activist and even counter-majoritarian. This explains the growing tension that led in Mexico to a constitutional reform to conduct popular judicial elections for all adjudicatory positions. Comprehending the relationship between powers and transnational judicial dialogue will allow us to consolidate more consistent and effective responses that add value to the intervention of judges in problems affecting all of humanity. Furthermore, it will allow us to better gauge the real scope of the contemporary judicial function and advance towards coordinated and effective responses.

Based on decisions of Constitutional Courts or Tribunals, including the experiences of constitutional judges, this workshop seeks to reflect upon the value of local judicial intervention in the face of a global problem. Topics range from traditional issues concerning abortion and surrogacy to litigation regarding the rights of nature, sentient beings, and climate change, without neglecting the governance of new technologies, including Artificial Intelligence. This thematic diversity reflects shared dilemmas across multiple jurisdictions: the interaction between individual and collective rights, the absence of clear international frameworks, and the need to balance constitutional principles with constantly transforming social, economic, and technological realities.

The workshop seeks, through the analysis of concrete cases and the exchange of experiences, to identify best practices in transnational judicial dialogue, critically evaluate the limits and possibilities of judicial intervention in global problems, and explore mechanisms to strengthen the legitimacy and efficacy of judicial decisions in these contexts, as well as compliance with jurisprudential standards in human rights matters.

Workshop 110

Strategic Litigation: Emerging Global Trends in a Contested Field

Chairs:

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Strategic litigation is a form of legal mobilisation by which people turn to legal proceedings, advocacy, or lobbying within a broader movement to secure long-term change. In past decades, worldwide strategic litigation has flourished to allow the recognition of reproductive rights, such as striking down provisions that criminalise abortion; LGBTQ+ rights, such as the right to same-sex marriage; and providing access to retroviral care for HIV-positive people. Increasingly, the environmental law movement has turned to legal mobilisation to secure environmental protections and accountability at the intersection of business and human rights. However, these forms of legal mobilisation have also brought considerable backlash and raised questions about the sustainability of those judicial victories.

In this workshop, we examine how various litigation environments, resources, and decisions yield distinct litigation outcomes. Key themes include impact, outcomes, strategies, implementation challenges, and the translation of judicial remedies into policies, as well as the strengthening or weakening of constitutional arrangements through legal mobilisation. The workshop will elucidate emerging global trends and insights into the impact of strategic litigation in different constitutional contexts.

Workshop 111
From Local Conflict to Global Conflict

Chairs:

- Diana María Beltrán dianama.beltran@uexternado.edu.co

In recent decades, judicial activism has emerged as a key tool for transferring local conflicts to the international plane, articulating demands that traverse borders and challenge traditional legal frameworks. Non-state actors, such as civil society organisations, communities, and citizens, resort to both national and international legal mechanisms to influence public policy and defend the collective interest.

This workshop proposes to analyse transnational judicial activism not only as an expression of contemporary legal globalism but also as a phenomenon deeply anchored in constitutional law. In particular, it seeks to explore the role of constitutional tribunals as guardians of legal globalisation—actors that reinterpret and apply international norms (especially in human rights matters) in light of the internal constitutional order. Emblematic examples of constitutional jurisprudence that integrate international treaties or decisions of international courts reveal a complex dynamic of reception, adaptation, and legal resistance.

Likewise, participants are invited to reflect upon constitutional judicial activism as a vehicle for expanding the protection of fundamental rights in a global context. Through a creative reading of constitutional principles and the incorporation of international standards, constitutional judges have contributed to the consolidation of a transnational constitutionalism, where fundamental rights transcend the borders of the Nation-State. This interaction has, on occasion, given rise to the creation of new rights or the reinterpretation of existing rights from a more inclusive and universal perspective.

However, this expansion of judicial power also poses significant challenges. One of these is the tension between international judicial activism and state sovereignty, especially when the decisions of international courts or global standards appear to conflict with internal constitutional principles. This workshop also intends to address the constitutional limits to the direct application of international law, as well as the normative mechanisms seeking to balance the protection of human rights with the democratic autonomy of States.

We call for the submission of abstracts that analyse these dynamics from a critical, comparative, and interdisciplinary perspective. Proposals will be received on transnational strategic litigation, comparative constitutional jurisprudence, the reinterpretation of fundamental rights based on international law, the participation of non-state actors before constitutional and international tribunals, and the normative, democratic, and theoretical challenges posed by the global judicialisation of conflict.

The workshop seeks to foster a plural reflection on judicial activism as a catalyst for new forms of legal governance in a legally interdependent world, highlighting the central role of constitutional justice in this process.

Workshop 112

Praxis and Theory of Justice at the Limit in the Republic of Colombia

Chairs:

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- Gabriela Arango Veloza zarangoveloza@gmail.com

We seek to integrate judicial practice with the Theory of Justice in the northern and southern border zones of Colombia, in order to integrate Law and Myth in relation to rationality and other faculties of the human being, such as imagination.

The objective is to highlight justice at the territorial limits of the Republic of Colombia, where international law is necessarily impacted due to environmental reasons common to neighbouring States, and human rights are affected regarding the aboriginal peoples inhabiting said zones, who possess cosmic temporal perspectives.

We seek to verify points of coordination of Justice between the normative systems that integrate Colombian constitutional law, in the time and territory of the Republic, from the praxis of the participants as judicial officials in Colombia.

Workshop 113

The Role of Constitutional Jurisdiction as a Democratic and Social Inclusion Agent

Chairs:

- María Sofía Sagüés. msofiasagues@derecho.uba.ar
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To what extent can constitutional jurisdiction collaborate in the consolidation of democratic resilience, in scenarios of the erosion of the Constitutional and Conventional Rule of Law, and of deficits in the institutional quality of States, thus acting as agents of social transformation for the overcoming of structural discrimination and the inclusion of vulnerable groups?

This workshop invites attendees from all regions to present abstracts with a view to offering diverse comparative proposals regarding the challenges facing constitutional jurisdiction in scenarios of democratic weakening and damage to institutional quality in the Rule of Law. Particular focus is placed on the development, within its orbit, of transformative proposals that identify it as an agent of impact in democratic consolidation and resilience, as well as its performance as an agent of social transformation for the overcoming of structural discrimination and the inclusion of groups in situations of vulnerability.

Potential topics to be addressed may include:

- The guarantee of the right to democracy through constitutional jurisdiction.
- The instrumentation of deliberative instances by constitutional jurisdiction.
- Variables of constitutional interpretation that allow for the comprehension of social tensions by constitutional jurisdiction in the exercise of its function.
- The judicial protection of future generations as a vulnerable group and as an instrument of democratic resilience.
- The visibility of excluded sectors or collectives through structural processes.
- The action of Courts in overcoming state omissions and their relationship with other Powers.
- The instrumental dimension of the concept of democracy and its justiciability.
- Jurisprudential dialogue as a foundational element of the interaction between domestic and regional courts, within the framework of the doctrine of conventionality control, in the protection of democracy and vulnerable groups.

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Workshop 114

How Should the Constitutional Judge Think? A Philosophical Look at Jurisprudence – The Case of the Colombian Constitutional Court / Constitutional Interpretation

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In the human understanding that distils over time, an idea prospers upon which history is anchored alongside the visible part of the lifeworld (Lebenswelt); it concerns the discovery and interpretation of the infinite worlds in which diverse human conditions appear, facing which it is necessary to consolidate that judicial effort to address the convulsive lifeworld. The window that opens space for the participation of Law, in that explicit lived experience, is a moment in which methods, beliefs, ideologies, feelings, concepts, theories, and reasons vanish into a concerning integration.

The purpose is to seek an academic space in which certain horizons of thought are presented, from which a competitive deliberation is possible regarding the possibilities of forming constitutional judicial thought. This is directed towards the reasonable search for topics or theoretical models charged with thinking legally about a genuine, practicable, and reliable lifeworld. Through the construction of reasons in the argumentative structure, the application of Constitutional Law will transition towards forms of life as a permanent dialogue in a plausible encounter with 'others', represented in dissimilar ways of being.

Thinking the Law implies a conjunction of multiple conceptual creations that give life to legal practice and, at the same time, generate the credible telos for the existence of Law as a fundamental mark of civilisation. Therefore, rendering a judgment implies mastering concepts, explaining their nature, knowing their limits, determining their methods, and proclaiming their viability for a concrete legal situation. Philosophy entails these conceptual conditions that allow for responsibility in the making of any judicial decision.

An examination of particular cases in Colombian constitutional jurisprudence could reveal how Magistrates, for instance, of the Colombian Constitutional Court, have availed themselves of philosophy in controversial scenarios.

The parallel between philosophy and Law has not been difficult to detect; seeking that which is most precious and just for human beings is the goal of Law, of the vast majority of constitutions in the world, and also of the philosophical enterprise dating back to the ancient Greeks, concerned with articulating that which is most important and valuable for procuring a good life. Correcting life and social organisation is, therefore, a common interest and a point of intersection between philosophy and Law.

The content of concepts that we might term compact, but also infinite—such as Constitution, human rights, equity, justice, democracy, personhood, and a thousand more—have undoubtedly played a masterful part in the 'hard' construction of their judgments. In this manner, it is possible to interrogate the following topics: Must the judge opt for a base theory regarding what the Law is, in order to decide? What concrete content must the reasons presented by the judge possess? What must be the procedure for the construction of reasons?

Workshop 115

Constitutional Justice in a Time of Change: Rethinking Constitutional Procedural Law for the Challenges of the 21st Century

Chairs:
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A significant part of the constitutional debate at the end of the last century and the beginning of the present one has focused on the role of constitutional justice in contemporary democracies. The advantages and disadvantages of strong versus weak constitutionalism, the judicialization of politics, and judicial activism are central topics in constitutional thought, given the pivotal position of constitutional justice within political systems. However, the intense theoretical debate has often been overtaken by reality. In practice, the power of institutions exercising constitutional adjudication has steadily expanded. Discussions about the virtues and vices of judicial activism are insufficient to fully explain the phenomenon. Today, constitutional judges are not only called upon to place limits on the democratic legislature; they are increasingly required to address new problems, often in response to the inaction of elected authorities.

Constitutional courts are now asked to resolve issues that go far beyond what was envisioned when their organization and powers were originally conceived—whether they be constitutional courts, constitutional chambers of supreme courts, or supreme courts acting as constitutional tribunals. Through traditional procedural mechanisms such as habeas corpus, amparo, declarations of unconstitutionality, or jurisdictional disputes, litigants seek answers to issues as diverse as the protection of animals, rivers, or mountains; blocking constitutional reforms that concentrate power in the executive; forcing elected branches to design public policies; or using constitutional litigation as a political weapon (lawfare). A procedural structure designed under the paradigm of constitutional judges as “negative legislators,” and under the illusion of formalism, collapses when confronted with such demands, disrupting the classical understanding of separation of powers and inevitably leading to judicial activism—at best—or political capture—at worst.

Moreover, the catalogue of rights that courts are expected to protect continues to expand. New rights enter constitutional systems through international human rights law—via treaties or through the jurisprudence of rights-protection bodies. Meanwhile, courts' institutional tools have remained static and outdated, unable to keep pace with the growing demands for constitutional protection coming from both the political system and society.

This raises fundamental questions: Does the method for appointing constitutional judges reflect what is expected of them in contemporary democracies? Should standing be broadened for citizens to initiate collective conversations on rights protection, or should it remain limited to elected authorities? Is the structure of constitutional review procedures suitable for addressing collective problems? Is it possible to design constitutional review processes that incorporate citizen participation? What can and cannot be ordered through constitutional judgments?

This workshop invites participants to engage with these and other questions with the goal of rethinking the institutional design of constitutional justice, acknowledging its increasingly central role in today's democratic systems. It seeks to reimagine the foundational categories of Constitutional Procedural Law in pursuit of institutional frameworks capable of responding to the challenges that constitutional adjudication faces in the 21st century.

Workshop 116
The Role of Constitutional Courts in the Balance of Powers: Activism and Deference to Representation — False Dilemma or Necessity?

Chairs:
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Judicialization is understood as the transfer of politically, socially, or morally relevant issues to the Judiciary.

Traditional bodies —the Legislative and the Executive— are no longer able to provide satisfactory solutions to complex social problems, leading constitutional jurisdiction to gain strength. This is a global phenomenon, reaching even countries that have traditionally followed the English model —with parliamentary sovereignty and no constitutional review.

Numerous and unmistakable examples of judicialization illustrate the fluidity of the boundary between politics and justice in the contemporary world, showing that the line dividing the creation and the interpretation of law is not always clear.

In Latin America, the gradual strengthening of judicial activism can be attributed to several factors, among them:

(a) the reinforcement of institutions that safeguard the rule of law, such as the judiciary and the public prosecutor's offices, after long authoritarian periods;

(b) the constitutionalization of community values, requiring the Constitution to commit to their realization;

(c) the transformation of fundamental rights into the core of the constitutional order in the region and into a criterion for constitutional interpretation;

(d) the perception of citizens not only as recipients but also as authors of their rights;

(e) the expansion of the circle of constitutional interpreters;

(f) the expansion of fundamental rights which, beyond requiring state abstention, impose duties of state action;

(g) the broadening of collective and diffuse actions and rights;

(h) the inertia of the Legislative Branch;

(i) the increase of instruments and techniques for constitutional review;

(j) judicial control over state omissions and, at times, over public policies;

(k) the constructive activity inherent in constitutional interpretation.

It is clear that the often excessive protagonism of courts generates problems of various kinds, especially those concerning the separation and balance of powers —frequently placing the Judiciary or the Court "above" the other branches and beyond any form of control.

It is common to hear that constitutional courts in the region have become a sort of "third legislative chamber," reshaping the legal order under the pretext of applying the Constitution.

Decisions against the Public Administration (or the Executive Branch) proliferate, questioning discretionary decisions that, in practice, replace the administrator's discretion with that of the judge.

There is also talk of judicial authoritarianism or judicial voluntarism.

Protecting the legal system against activism requires ensuring that the Judiciary understands that it should not be the agent promoting justice, but rather an agent protecting the law itself.

In a democracy, judges do not "do justice"; they preserve the law democratically created by democratic institutions.

Workshop 117
Peace Process and Transformative Constitutionalism: A Review of the Colombian Case with a Comparative Focus

Chairs:

- **Cristina Pardo Schlesinger**
- **Alberto Rojas Ríos**
- **Antonio Jose Lizarazo Ocampo**
- **Jose Fernando Reyes Cuartas**
- **Alejandro Linares Cantillo**

Peace is a universal aspiration of humanity and a fundamental principle enshrined in the United Nations Charter and referenced in many constitutions. After the Second World War, nations collectively committed themselves to establishing a world order rooted in peace, and many included provisions in their constitutions to uphold peace as a fundamental social value. Today, peace is at the center of one of the most difficult challenges faced by numerous democracies around the world: social fragmentation and political polarization. Therefore, the constitutional concept of peace includes not only the international public law commitment to non-aggression, but also the domestic meaning of peace within the state—social peace among, or even despite, the social and cultural diversity of contemporary states. Thus, some constitutions seek to protect the concept of peace simply by rejecting war as an instrument of aggression against the freedom of other peoples, while others frame peace as the primary vocation of the state. In Europe, several constitutions declare their intention to engage in various forms of international cooperation in order to protect peace and human rights. Very often, constitutional preambles treat peace as a primary objective of the political community within the state or refer to peace as a tool to heal historical divisions and reconcile populations after armed conflicts.

At the same time, the constitutional concept of peace may carry an entirely different meaning and address internal outcomes such as social cohesion and the necessary prevention of social conflict, or "civic/social peace."

Social peace and conflict resolution may even require interpreting vaguely defined constitutional provisions in a way that enables a legal system free of contradictions and guarantees the balance among constitutional values. It also implies the calming of state authorities and political actors, as well as ongoing mediation between state power and civil society.

Achieving and maintaining peace requires forging consensus through constitutional frameworks, resolving historical disputes through peaceful negotiation, and relying on constitutional principles to preserve social harmony.
In this context, and within the thematic axis "Rule of Law: Courts as Defenders or Reformers of Constitutionalism," five former judges of the Constitutional Court of Colombia would like to propose addressing any of the many aspects of peace at the intersection with the concept of constitutionalism, including peace as a constitutional right (the right to peace), in accordance with the following proposal:

CONSTITUTIONAL COURTS AND PEACE PROCESSES AROUND THE WORLD: A COMPARATIVE APPROACH WITH EMPHASIS ON COLOMBIA

Constitutional courts play a crucial role in contemporary peace processes, acting as guardians of constitutional supremacy and guarantors of respect for human rights. Their intervention can determine the legitimacy, viability, and sustainability of peace agreements, especially when these involve constitutional reforms, amnesties, the creation of special jurisdictions, or transitional justice measures. The purpose of this panel is to offer a technical analysis of the role of constitutional courts in different contexts, with particular attention to the Colombian case.
1. Constitutional Function in Transitional Contexts
In peace processes, constitutional courts assume a dual function: first, as guardians of the existing constitutional order; and second, as facilitators of the transition toward a new social pact. This tension is reflected in constitutional review of the norms that implement peace agreements, as well as in the flexible interpretation of the constitutional text to allow for the consolidation of peace without sacrificing the essential principles of the rule of law.

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2. Comparative Experiences

In South Africa, the Constitutional Court upheld the system of conditional amnesties established by the Truth and Reconciliation Commission, arguing that the pursuit of truth and symbolic reparation could be compatible with constitutional justice, provided that the amnesties were proportional and did not shield serious international crimes. In Bosnia and Herzegovina, the Constitutional Court assumed a structural role in interpreting the Dayton Agreement, ensuring that the new institutions derived from the agreement respected the separation of powers and minority rights. In Guatemala, the Constitutional Court has intervened in overseeing judicial reforms arising from the 1996 Peace Accords, highlighting the importance of institutional strengthening as a component of lasting peace.

3. The Colombian Case

The Constitutional Court of Colombia has been a central actor in the implementation of the Final Agreement with the FARC (November 2016). Its jurisprudence has balanced the political autonomy of the agreements with the need to ensure compliance with the State's international obligations. In Judgment C-674 of 2017, the Court recognized the special character of the Peace Agreement but reaffirmed the supremacy of the Constitution and the impossibility of introducing permanent reforms outside the formal mechanisms for constitutional amendment. Likewise, in Judgment C-080 of 2018, the Court upheld the Special Jurisdiction for Peace (JEP), reiterating that transitional justice must guarantee victims' rights to truth, justice, reparation, and non-repetition.

The Court has also exercised control over implementation legislation, as in Judgment C-588 of 2019, in which it defined the scope of the JEP's jurisdiction regarding members of the armed forces, reaffirming the principle of equality before the law and the need for proportionality in sanctions. Together, these decisions have shaped a model of transitional justice that is constitutionally compatible and balances the values of peace, justice, and reconciliation.

4. Tensions and Challenges

Constitutional courts face the challenge of maintaining their independence and legitimacy in politically polarized contexts. Their intervention may be perceived either as an obstacle to the popular will or, conversely, as a safeguard of the rule of law. The Colombian case illustrates how rigorous judicial review of peace agreements can strengthen their democratic legitimacy, provided that the court acts with prudence, consistency, and reasonable deference toward the Legislature and the Constituent Power.

5. Conclusion

The comparative analysis shows that constitutional courts play an indispensable role in the consolidation of peace. Beyond the formal review of constitutionality, their interpretive function and their role in safeguarding human rights make them essential actors in transitional justice. In Colombia, the Constitutional Court has helped harmonize peace and justice, offering a valuable example for other transitional processes seeking to balance political stability with the State's legal and moral responsibility.

Workshop 118
Judicial Self Restraint and Judicial Review: The Constitutional Silence and Juxtaposition

Chairs:
- **Avnish Bhatt** avnish@rgsoipl.iitkgp.ac.in

The Constitution of the democratic countries vests the judiciary with the power of Judicial review, envisaged as a cornerstone for maintaining constitutional supremacy and safeguard fundamental rights. Yet, the constitution remains silent on the explicit boundaries of this power, leaving its contours to judicial interpretation. This silence has given rise to a dynamic tension between two competition doctrines i.e. Judicial self-restraint and review, which advocates minimal interference in legislative and executive domains, and judicial activism, which expands the role of courts in shaping governance.

The juxtaposition of these doctrines highlights a core constitutional paradox while judicial review is indispensable for preserving rule of law, unchecked judicial intervention risks encroaching upon the principle of separation of powers.

The workshop will navigate this paradox through precedents, oscillating between restraints and intervention depending on the socio-political context. It will examine the jurisprudential justifications for judicial self-restraints such as respect for democratic will and institutional competence, while acknowledging moments when assertive judicial review became necessary to correct constitutional wrongs of fill legislative gaps, it will also explore the comparative perspectives, drawing the constitutional practices across the globe.

By interrogating the constitutional silence on judicial limits, this work underscores the need for a calibrated balance that preserves judicial independence without undermining democratic accountability. The juxtaposition of restraint and review ultimately reflects the evolving nature of constitutionalism where the judiciary must act as both guardian and partner in governance.

Workshop 119

Administration of justice: Constitutional perspectives on the "stakeholders" in the defense and preservation of the rule of law in judicial procedure

Chairs:

- **Vasco Pereira da Silva** vasco@fd.lisboa.ucp.pt
- **Jörn Axel Kämmerer** axel.kaemmerer@law-school.de

Defending the rule of law in the face of judicial disputes is a matter, and a challenge, not only for the courts. Multiple analyses have been conducted on the increasing pressure lasting on the courts and the measures that have been, or should be, adopted to make the judiciary more resilient and to safeguard its independence. This is especially true for constitutional and supreme courts, which are in danger of becoming the puppets of power politics. Some States therefore have taken steps to protect these courts against undue influence. However, where lower courts have come under attack by politics, administrative bodies or campaigns, the administration of justice can also get into dire straits. Yet, protecting the judges is not sufficient to ensure fair access to justice, due process and respect for the rule of law, which also depend on the degree of freedom granted to other players: litigants, authorities, especially where administrative precedes judicial procedure, and, last but not least, lawyers. The role of advocacy, which some legal orders acknowledge as an institution for the administration of justice, seems to be underrated in the comparative analyses on the evolution of the rule of law and the hazards posed to it. Interference with it can originate from governments – e.g., when they sanction lawyers for appearing for someone in court or for not doing so (or not free of charge) for the government –, but hazards can also lurk in excessive proliferation of professional duties (actually or allegedly) imposed in the public interest, for example, anti-corruption or anti-money laundering rules, and, in capital investors which, if a recent judgment of the European Court of Justice is to be believed, could undermine the independence of the legal profession.

IACL AIDC International Association of Constitutional Law
Universidad Externado de Colombia

Among the hazards stemming from litigants, strategic lawsuits against public participation (SLAPPs), on which legislation has been adopted in some legal orders, have been among the subjects of scholarly debates. As regards authorities, access to justice can be impaired where the State converts them from neutral bodies committed to the Constitution into political weapons, where decision-making is taken by the governments out of the hands of the competent authorities or where administrative decisions are immunized against legal redress. The workshop aims to assess the situations in the various 157 States as regards judicial procedure as well as perspectives for safeguards and remedies where appropriate and in doing so to focus not exclusively on the courts but also to cherish the importance of other players in ensuring a fair judicial procedure.

Workshop 120
Legislative Omissions in the Face of Exhortative Judgments

Chairs:

- **Rabah Belaidi** rbelaidi@ufg.br
- **Luis Carlos Carvajal Vallejo** lccarvajalv@hotmail.com

Within the framework of constitutional law, the review of lower-ranking norms plays a key role in harmonizing the legal system. However, since the mid-twentieth century, the German scholar Hans Wesel observed that, following constitutional changes, the corresponding normative adjustments did not occur immediately. He identified the inaction of the legislative branch as a primary cause of this delay, resulting in a potential legislative omission.

Based on this normative gap, some legal theorists have questioned whether legislative inaction constitutes a political or a judicial problem. In an effort to address this issue, Constitutional Courts have developed various types of rulings aimed at providing a substantive solution, the most common being exhortative judgments. Nevertheless, in certain cases this type of ruling fails to achieve its intended purpose, raising the question of whether, even in the face of non-compliance with such judgments, it is still possible to affirm the existence of a subsequent legislative omission.

Workshop 121
Structural Judgments

Chairs:

- **Andrés Mauricio Gutiérrez Beltrán** andresm.gutierrez@uexternado.edu.co
- **Silvia Haydee Sánchez Gómez** silvia.sanchez@uarm.pe
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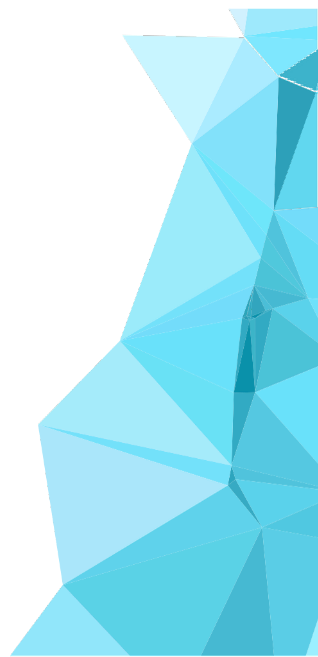
One of the main challenges facing constitutionalism concerns the widespread and systematic violations of fundamental rights, which require the design and implementation of public policies for their resolution. In some jurisdictions, this phenomenon has been referred to as an "Unconstitutional State of Affairs." In a context of institutional normality, democratic frameworks entrust representative authorities with the responsibility for addressing these problems. However, at times these authorities are unable to achieve the mandated objective, leading courts to become involved in resolving these disputes. Their intervention seeks to ensure the protection of the violated rights. To fulfill this task, courts have resorted to so-called structural judgments, that is, decisions that identify widespread and systematic violations of fundamental rights and order the design and implementation of public policies as a remedy to address the situation of rights violations. The complexity of these decisions often makes it difficult for them to be executed according to their terms or within the established timelines. Thus, another challenge arises concerning the implementation process and the effects of structural decisions.

Debate has emerged around whether these judgments are compatible with the democratic order. Those who consider them compatible argue that, through such rulings, courts assume responsibility for protecting a valuable democratic element: the duty to safeguard fundamental rights. In contrast, critics view this phenomenon as a serious threat to the classical separation of powers and therefore reject it. A third perspective holds that it is appropriate to incorporate democratic mechanisms—such as greater deliberation—into courts' structural processes. What is clear is that structural judgments are an increasingly common phenomenon across different regions and levels, both national and supranational.

In this regard, we invite the submission of papers addressing the following questions:

- Is it possible to identify common features in how different jurisdictions address the Unconstitutional State of Affairs and structural judgments?
- How should democratic concerns regarding structural judgments—such as lack of legitimacy and the absence of technical expertise in public policy on the part of judges—be addressed?
- Do structural judgments represent a democratic concession in favor of political branches?
- Do structural judgments achieve their stated goals—that is, do they truly improve the living conditions of the individuals they are intended to benefit?
- What other effects do they produce?
- What proposals could be offered to improve the implementation and compliance processes for the remedies established in structural judgments?
- What mechanisms could contribute to the social transformation of our societies through structural judgments?
- Do structural judgments represent a high but necessary democratic cost for protecting vulnerable populations?
- Is there a risk of inadequate or abusive use of structural judgments?



Workshop 122
The Concept, Evidence, and Effectiveness of Unconstitutional States of Affairs

Chairs:

- **Bernardo Javier Puetaman Baquero** bernardo.puetaman@uexternado.edu.co
- **Kenny Dave Sanguino Cuéllar** Ksang6@uic.edu
- **Rafael Cruz Vargas** rafael.cruz.vargas@gmail.com

The doctrine of the “Unconstitutional State of Affairs” is a novel concept—both in its meaning and in its foundations—originating in Latin American constitutional law. It has been developed jurisprudentially in Colombia, Ecuador, Peru, and Brazil, and studied doctrinally in various countries in the region such as Mexico, Chile, and Argentina. Unlike other legal figures or institutions whose direct normative source is the Constitution or the law, the Unconstitutional State of Affairs was not created by the constituent power nor by the legislature as the representative of popular sovereignty, but rather by the highest constitutional court through its judicial decisions. In other words, the Unconstitutional State of Affairs is not contained in nor regulated by any provision of positive law. Its conceptualization, scope, and evolution have emerged from constitutional jurisprudence as a source of law.

As can be inferred, the declaration of an Unconstitutional State of Affairs is not a minor or superficial matter. On the contrary, it constitutes a novel and highly significant doctrine within Constitutional and Democratic States governed by the rule of law, raising major concerns due to its implications and consequences. The judicial declaration of an Unconstitutional State of Affairs in a court ruling can be interpreted from at least two perspectives—two sides of the same coin: on the one hand, it implies the recognition that the Democratic and Constitutional State governed by the rule of law has failed in a specific context; it acknowledges the failure of institutions to protect the fundamental rights of certain individuals. On the other hand, it represents the ultima ratio used by State institutions—through the leadership of constitutional judges—to fulfill one of their essential purposes: the protection of citizens’ fundamental rights. Thus, when we speak of an “Unconstitutional State of Affairs,” various philosophical, epistemological, and evidently legal-normative problems arise.

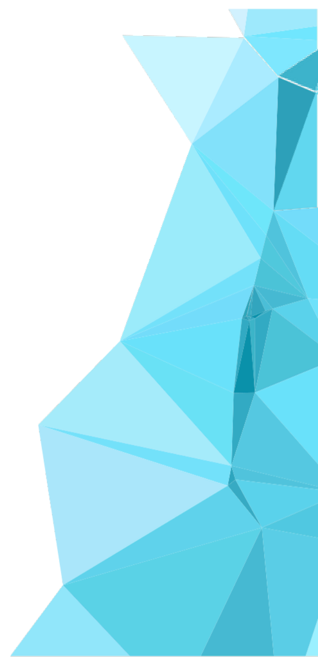
From an ontological standpoint, a first question would be whether it really exists and, conversely, whether one may speak of the existence of “Constitutional States of Affairs.” From a conceptual standpoint, a second question concerns its semantic content: What is an Unconstitutional State of Affairs? Is it a legal norm, a legal act, a normative statement, or a decision-making tool for courts? What characterizes it, and how does it differ from other types of states, such as states of exception? From a strictly normative standpoint, a third question would concern its validity: Are Unconstitutional States of Affairs normatively valid? What source of positive law justifies their declaration or recognition? From an epistemological standpoint, a fourth question concerns the evidence: How do we know that an Unconstitutional State of Affairs exists? How is its configuration or existence proven? Finally, from a sociological and pragmatic standpoint, a fifth question arises: Is the doctrine of the Unconstitutional State of Affairs truly effective? Has this doctrine genuinely contributed to improving historical situations of widespread violations of fundamental rights, or—on the contrary—has it become merely a tool of judicial rhetoric?

Based on these questions, this workshop has the following objectives:

a. To identify, describe, and delineate the concept of the “Unconstitutional State of Affairs” based on the constitutional jurisprudence issued by Latin American Constitutional Courts.

b. To identify and analyze the standard or standards of proof used in comparative law to determine, confirm, or recognize the existence of different Unconstitutional States of Affairs in the judicial decisions of Latin American Constitutional Courts.

c. To evaluate the effectiveness of the use and implementation of the doctrine of the Unconstitutional State of Affairs in comparative law.



Workshop 123
The Missing Link of Sustainable Justice: Rethinking Diffuse Judicial Review in Systems of Concentrated Constitutional Control

Chairs:

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There is a significant academic gap regarding the dynamics of coexistence between diffuse and concentrated constitutional review. The interaction—often conflictive—between these two models frequently neutralizes the potential of diffuse review, a problem that our workshop seeks to shed light on. Comparative constitutional literature typically focuses on "pure" systems or on the primacy of constitutional courts, and it has traditionally undervalued hybrid systems, which are often labeled incoherent or exotic. However, the reality of many such systems reveals both persistent tensions (jurisdictional conflicts, contradictory decisions, and a tendency of high courts to minimize the constitutional authority of ordinary judges) and virtues (responses to injustices generated by the universal application of norms).

This dynamic produces systemic friction that generates deep legal uncertainty and ultimately weakens the overall effectiveness of constitutional adjudication, while at the same time providing corrective mechanisms to counteract the undesirable effects of literalist application of the law. This allows the legal system to deliver appropriate responses to complex crises such as climate change or social inequality.

Our workshop connects directly with "Sustainable Constitutionalism" by examining how the architecture of constitutional justice can ensure the resilience and adaptability of the rule of law. Our research shows that a constitutional order capable of being described as sustainable cannot rely on a single, centralized guardian. It requires, instead, plural and decentralized mechanisms that ensure continuous and capillary protection of the Constitution.

Diffuse review, exercised by all judges—and even by administrative officials and private actors—in the course of their functions, represents precisely such a fundamental tool for sustainability: it allows the Constitution to respond to the challenges of a changing world from the base of the judicial system, not only from its summit.

Constitutional sustainability also implies the "sustainability of access to justice." Diffuse review, because it is not subject to the strict standing requirements of abstract constitutional review, democratizes the defense of the Constitution and ensures that the protection of rights—including environmental and social rights—is a permanent and distributed task throughout the entire judicial system, not merely the prerogative of a single court.

To address this issue, we seek contributions that analyze the relationship between both models of constitutional review from a plurality of approaches. Our goal is to build a global and multifaceted dialogue that goes beyond the formal description of systems. We invite the submission of abstracts offering:

(a) comparative case studies analyzing the history and evolution of hybrid systems in different jurisdictions;

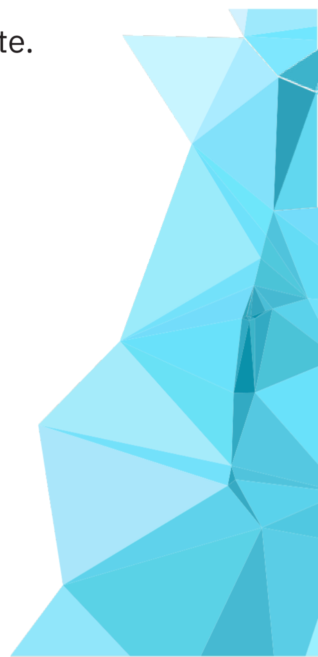
(b) theoretical analyses on sovereignty, judicial deference, and who holds the "last word" in constitutional matters;

(c) empirical research on the real impact of diffuse review on the protection of human and nature rights; or

(d) interdisciplinary approaches from political science or legal sociology examining judicial behavior in dual-review contexts.

This workshop will offer an innovative platform to lay the foundations for a new research agenda on the architecture of constitutional justice. By bringing together scholars from diverse legal traditions, we aim to generate synergies and develop a deeper and more pragmatic understanding of how constitutional systems can be designed to be more resilient, effective, and ultimately more sustainable.

We cordially invite the global academic community to join us in this crucial debate.



WORLD CONGRESS OF CONSTITUTIONAL LAW

Workshop 124
THE CONSTITUTIONAL DIMENSIONS OF LEGAL REASONABLENESS: FOUNDATIONS, FUNCTIONS, DEBATES

Chairs:

- **Yezid Carrillo de la Rosa** ycarrillod@unicartagena.edu.co
- **Riccardo Perona** rperona@unicartagena.edu.co
- **Melisa Caro Benítez** mcarob1@unicartagena.edu.co
- **Daniel Florez-Muñoz** dflorezm@unicartagena.edu.co

Reasonableness is one of the most frequently invoked legal standards and, at the same time, one of the most conceptually elusive. Although it is widely used across different legal systems and branches of law, its role in the constitutional sphere has been particularly significant. Constitutional and supreme courts often rely on reasonableness to assess the validity of laws, justify interpretive choices, and balance conflicting rights. Despite this centrality, the notion resists precise definition and raises both theoretical and practical debates.

This workshop will explore the constitutional dimension of legal reasonableness through three complementary perspectives:

- Theoretical perspective: the foundations of reasonableness as a constitutional standard; the relationship between reason, reasonableness, and legitimacy; and whether reasonableness can rest on universal principles or is inevitably conditioned by contextual values.
- Practical perspective: judicial uses of reasonableness, including similarities and divergences between common law and civil law traditions; its role in constitutional adjudication at the national, supranational, and international levels; and its interaction with other standards such as equality and proportionality.
- Doctrinal and critical perspective: ongoing debates about the nature of constitutional interpretation and the risks of judicial indeterminacy and subjectivism; the tensions between reasonableness and legal certainty; and the potential of reasonableness as a bridge between law and morality.

The workshop seeks to foster dialogue among scholars from different jurisdictions and traditions, with the aim of clarifying the constitutional role of reasonableness while recognizing its multiple functions and contested foundations. Contributions of a comparative, doctrinal, philosophical, or critical nature are welcome, as well as case studies illustrating the practical relevance of reasonableness in constitutional adjudication.

Workshop 125
Equality as the Aim of Contemporary Constitutionalism

Chairs:
- **Carlos Alberto López Cadena** carlos.lopez@uexternado.edu.co
- **Mario Andrés Ospina Ramírez** mario.ospina@uexternado.edu.co

Equality is a foundational pillar of human dignity. Therefore, democratic states, by constitutional mandate, have the duty to deploy all their efforts and resources to guarantee rights for different groups within the population—especially where significant inequality gaps exist.

This academic workshop proposes a discussion on the causes of the inequalities present in countries where basic needs remain unmet, as well as on the actual impact of the measures that have been adopted. It also seeks to propose solutions from the perspective of contemporary constitutionalism, aligned with the aims of the Social Rule of Law.

To this end, the following guiding questions are proposed:

- What are the root causes of inequality that negatively affect rights in Latin America and around the world?
- What obligations must public authorities, social organizations, and civil society assume to remove the barriers that generate inequality?
- Why have legislative measures and public policies on equality failed?
- What role should the constitutional judge play in ensuring a more egalitarian environment?

Workshop 126
From Grounds to Groups to Structures? Interrogating the Challenge for and the Answers in Equality and Discrimination Laws

Chairs:
- **Almas Shaikh** almas.shaikh@lmh.ox.ac.uk
- **Gideon Basson** gideon.basson@gtc.ox.ac.uk

Non-discrimination and equality laws run through constitutional and international human rights as foundational commitments. They stand as reminders of hard fought struggles that have shaped both the language and architecture of constitutional and international norms. Over decades, pushes for legal refinement, coupled with sustained political mobilisation, have moved nondiscrimination and equality laws toward a more substantive conception of equality, recognising indirect and intersectional forms of discrimination, and securing a stronger foothold for positive measures and affirmative action. Despite these shifts, deep inequalities persist and have morphed into complex structural forms. The categories around which equality and discrimination laws have been organised – their familiar grounds – have disrupted very little in the way inequality persists around them. Without sustained interventions, these structural inequalities will replicate themselves into the foreseeable future. Within the broader search for sustainable constitutional and legal frameworks that can leverage change and adapt to change, the question arises: should equality and non-discrimination laws and their apparatus be treated as settled legacies, or as legal tools that demand we make these struggles anew? Can they be recast as imperfect yet vital resources that remind us of past struggles, while also compelling us to confront structural inequalities in the present, whether by opening up transformative pathways or by operating as a credible framework that can coexist with, or even prefigure, more abolitionist and revolutionary projects? We invite abstracts relevant to any of these questions.

Workshop 127
Anti-Discrimination Law in Latin America

Chairs:
- **Antonio Maués** amaues@ufpa.br

Since the last decade of the 20th century, several Latin American countries have begun implementing policies aimed at guaranteeing the fundamental rights of groups previously excluded from the effective exercise of citizenship. Among these policies, those that promote the rights of groups historically discriminated against on the basis of gender, race, and ethnicity stand out. This has led to the adoption of norms prohibiting discrimination on these grounds and to the creation of affirmative action measures in favor of these groups. These advances have resulted in an unprecedented development of anti-discrimination law in the region, guided by a substantive conception of the right to equality which, by recognizing the structural nature of social inequalities, legitimizes the adoption of differentiated treatments to benefit historically discriminated groups in society.

Thus, Latin American countries now have, within their legal systems, a diverse set of anti-discrimination measures that affect different areas, such as family relations, access to employment and education, and political participation. These measures not only prohibit and sanction individual cases of discrimination committed by public and private actors but also support public policies aimed at reducing de facto inequalities in society, including the implementation of affirmative action measures such as quotas.

This workshop seeks to comparatively analyze the advances and the challenges faced by anti-discrimination law in Latin America. Considering the transformative potential of these norms, which institutional factors contribute to the effectiveness of anti-discrimination law? From this overarching question follow more specific ones, which should be addressed according to the characteristics of each country's legal system: What is the importance of social participation in the creation and implementation of anti-discrimination norms and policies? What is the degree of autonomy of the institutions responsible for implementing anti-discrimination law? What results have affirmative action policies achieved? What role does the judiciary play in reviewing the constitutionality of affirmative action measures?

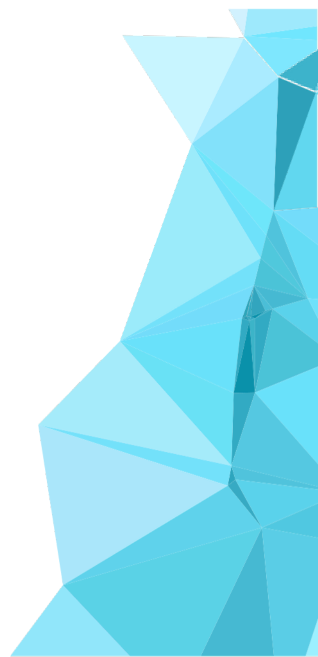
Workshop 128
Transformative constitutionalism in the Global South

Chairs:
- **Bradley Virgill Slade** bvslade@sun.ac.za
- **Andrés Mauricio Gutiérrez Beltrán** andresm.gutierrez@uexternado.edu.co

Since the concept of Transformative Constitutionalism was first proposed by Karl Klare in the 1990s, it has gained prominence in legal discourse in several jurisdictions. Conceived in and for the South African context at a time when the country was commencing its journey in constitutionalism after the end of formal apartheid, it has spread to other parts of the world. Transformative Constitutionalism is often used to explain the constitutional practice of some countries in the Global South, which are marked by poverty and exclusion. In terms of this concept, constitutions serve as roadmaps for fundamentally transforming both state institutions and society to achieve profound social renewal. Although each country faces particular challenges, and therefore each takes advantage of the different tools offered by Transformative Constitutionalism in a particular way, they all share the purpose of combating extreme poverty and promoting material equality. More specifically, they seek to drastically modify the living conditions of millions of people who have not found in classical constitutionalism a path to the full enjoyment of their fundamental rights.

The countries that are part of this trend share a set of characteristics, which were pointed out by Klare: i) they proclaim social rights and embrace a substantive conception of equality; ii) they impose affirmative obligations on the State to secure equality; iii) they recognize the horizontal effectiveness of fundamental rights; iv) they promote a participatory conception of democracy; v) they embrace the principle of multiculturalism; and vi) they possess a deep historical awareness of the transformative character of constitutional texts. Finally, constitutional courts are considered to be important protagonists in pushing the transformative agenda forward.

At present, transformative constitutionalism faces important challenges, both theoretical and practical. It must resolve, among others, the following questions: Have constitutions been effective tools for the real transformation of societies? Are there areas of the law that is unresponsive to the thrust of transformative constitutionalism? In addition to constitutional courts, what other public authorities or social movements have committed to the realization of the aims of transformative constitutionalism? What tools does transformative constitutionalism offer to overcome current challenges to constitutional democracy, such as the strengthening of autocracies, the weakening of international law, or devastating environmental effects? Is transformative constitutionalism a concept that holds benefits only for the Global South or does it also have benefits for the Global North?"



Workshop 129
Gender and Constitutional Change in the 21st Century

Chairs:
- **Eleonora Bottini Alma**
- **Beltrán y Puga Imer B. Flores**
- **María Daniela Díaz Villamil**

As Catherine MacKinnon reminds us, "historically, constitutions have been made almost exclusively by men—and it shows." Feminist movements have sought to change this reality, making the role of gender in constitutional change one of the most dynamic issues in contemporary constitutionalism. Around the world, feminist legal claims and social movements have emerged as key actors in shaping both the process and the substance of constitutional change, whether through formal amendment procedures or through new constitution-making processes. From France's 2024 adoption of a constitutional guarantee of abortion freedom to Chile's attempts to enshrine gender parity and inclusivity as foundational principles of a new constitutional order, these developments highlight how struggles for gender equality seek not only to secure specific rights for women and sexual minorities but also to redefine the very grammar and content of constitutional law.

This workshop invites discussion of comparative perspectives on how feminist movements and gender-based claims interact with constitutional change. We also welcome work employing historical and qualitative methodologies to analyze the dynamics of social movements, gender equality, and constitutional reform. In addition, the workshop seeks to promote debates on the influence of feminist thought and methodologies in constitutional legal education. Finally, although the workshop aims to map constitutional change projects from a global perspective, we encourage abstracts that promote transnational dialogues—not only between the Global North and South, but also within the scholarship of the Global South itself.

Among the cross-cutting questions guiding these inquiries, we propose: Are we witnessing a new constitutional paradigm in which gender inclusion becomes a structural principle of modern constitutions? How have feminist movements mobilized constitutional law to secure fundamental rights and transform social institutions? What forms of resistance have they encountered, and what lessons can be drawn from different contexts?

We welcome contributions from a broad range of geographical, methodological, and theoretical perspectives, including but not limited to:

- The 2024 French constitutional revision and its implications for reproductive rights in Europe.
- Gender parity and inclusion reforms in Chile's constitutional processes (2021–2023).
- The impact of the post-Dobbs era in the United States and state-level constitutional amendments on reproductive rights.
- Feminist strategies in litigation and social mobilization to drive constitutional change, including the Green Wave in Latin America.
- The 2024 European Citizens' Initiative and its consequences for the role of the European Commission in shaping future legislation.
- Constitutional reforms in Mexico that strengthened gender equality and parity, leading to a presidential election primarily between two women candidates and resulting in the country's first woman president in 2024.
- Advisory Opinion No. 31 of the Inter-American Court of Human Rights on the human right to care—with its three dimensions: caring, being cared for, and self-care—and its constitutional impacts within and beyond Latin America.

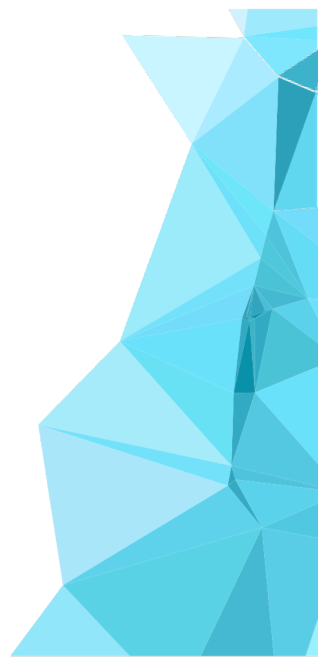
• Comparative experiences of the constitutionalization of gender equality, parity, the right to care, sexual and reproductive rights, and the inclusion of minorities.

• The backlash against gender-sensitive constitutional reforms and its implications for democratic legitimacy.

• Theoretical reflections on whether feminist movements have fundamentally changed how constitutions are imagined, drafted, and amended in the twenty-first century.

• Feminist pedagogies that promote transformative approaches to teaching constitutional law.

By bringing together case studies and diverse conceptual approaches, we aim to map the intersection of gender, social movements, and constitutional law within a rapidly evolving global landscape.



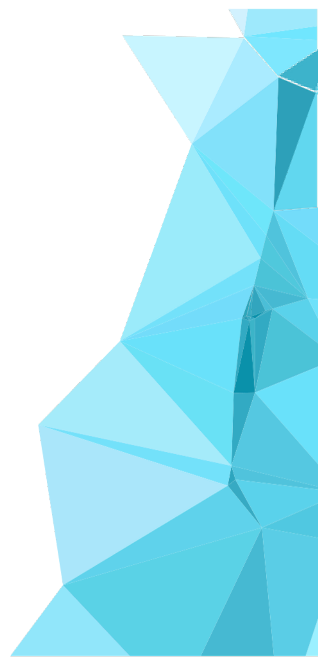
Workshop 130
Reproductive Futures: Gender, Autonomy and Technology in dialogue with Constitutional Law

Chairs:

- **Alma Beltrán y Puga** alma.beltran@ibero.mx
- **Catalina Martínez Coral** CMartinez@reprorights.org
- **Isabel Cristina Jaramillo Sierra** ijaramil@uniandes.edu.co
- **René Urueña Hernández** rf.uruena21@uniandes.edu.co

This workshop invites a critical conversation on the future of reproductive rights,with reproductive autonomy at its core. Long recognized as a central dimension of reproductive justice, autonomy is now being reshaped by the combined forces of digitalization, biomedical innovation, and shifting social norms. The result is a landscape at once promising and fraught, where new possibilities for choice coexist with profound risks of inequality and control for women's bodies as well as those of persons with diverse gender identities. Digital platforms, fertility-tracking apps, and telehealth services hold the potential to expand knowledge and self-determination, yet they also risk transforming intimate life into data for surveillance and commodification. Advances in genetic testing, polygenic embryo screening, and genome editing promise broader reproductive options, but may simultaneously revive ethical and juridical conversations on the rights to choose and to access scientific progress besides eugenic logics that could reinforce social hierarchies on the other. The globalization of surrogacy disrupts conventional understandings of bodily integrity, kinship, and parental rights, raising urgent questions on how to regulate this practice to protect human rights of all parties. Constitutional and international human rights law have been the main frameworks to advance reproductive rights globally. However, they are not exempt from tensions with the regulation of new technologies and reproductive choices in different cultural contexts. Reimagining reproductive rights in this complex normative scenario seems more urgent than ever. Against this backdrop, the workshop aims to bring together scholars, practitioners, and advocates to map the legal and technical frontiers of reproductive innovation.

It 177 seeks to imagine new pathways for safeguarding dignity, equality, and justice in a rapidly transforming field. Looking forward, we ask: What will reproductive rights mean in a world where reproductive decisions are mediated by data, algorithms, and genetics? How can we envision reproductive futures that expand autonomy and gender justice, while resisting the reproduction of historical patterns of exclusion and inequality? What is the role of constitutional and international human rights law in framing reproductive decisions? How are national and international courts responding to these pressing issues?



Workshop 131
Peace Constitutionalism with a Territorial and Gender Perspective: Theoretical, Normative, and Community-Based Foundations

Chairs:
- **Melba Luz Calle Meza** iberpazrediberoamericana@gmail.com
- **Rubén Martínez Dalmau**
- **Francisco Palacios Romeo**
- **Miguel Ángel Boldova Pasamar**

This workshop invites participants to reflect on and debate Peace Constitutionalism as a sustainable paradigm for upholding democracy in times of crisis. The focus is on articulating the constitutional principles of peace (1991 Constitution, Article 22; 2016 Final Peace Agreement) with Luigi Ferrajoli's global constitutionalism (Constitution for the Earth), integrating both territorial and gender perspectives.

The workshop will explore the role of women victims of the armed conflict as leaders in peacebuilding, and will present the progress of the EMP-DER-4262 program (UMNG, Campus Iberus, University of Valencia, and other Spanish universities), currently being implemented in municipalities of Cundinamarca that were not prioritized under the PDET or ZOMAC frameworks, with a pilot project in Guasca.

The workshop is open to theoretical and empirical presentations that deepen the relationship between constitutionalism, peace, gender, and territory.

Workshop 132
HUMAN DUTIES: AN IMPORTANT CONSTITUTIONAL ISSUE?

Chairs:
- **Magdalena Correa Henao** magdalena.correa@uexternado.edu.co
- **ZHU Guobin** lwzhugb@cityu.edu.hk

Throughout the history of liberal democracies and fundamental (human) rights, references to human duties have been recurrent in constitutions and treaties, but their substantive development has remained very limited. Moreover, the concept of human duties is problematic because, rather than complementing human rights theory, it is often posed as a substitute formula or interpreted as rendering rights inherently limitable. This issue stems from the moral, political, and legal foundations of liberal, social, and even postsocial constitutionalism. Indeed, individualism prevails, and it is rights—not duties— that define the relationship between individuals and the State, as well as among individuals themselves. Representative democracy remains the primary democratic mechanism. The principle of legality continues to safeguard liberty; thus, although the law (in a material sense) is no longer the supreme norm, it retains its role as the foundational legal source of rights. Consequently, the idea of fundamental or human duties could be risky insofar as they lack the clarity afforded by legal mandates that limit or delineate rights and freedoms. However, alongside the discourse widely accepted in liberal democracies, a separate/distinct scenario and narrative of human duties has been developed in former socialist countries in Central and Eastern Europe and in todays' authoritarian countries. Human duties have been constitutionalized and implemented in national laws and policies. As a matter of practice, human duties as social construct often marginalize, 180 prevail or substitute human rights, and the latter submits to the former.

Within this framework, the workshop seeks to address one or several of the following questions regarding this important concept from national, international and comparative perspectives:

• Are human duties—or should they be—a distinct constitutional category or a category under international human rights law, separate from obligations, burdens, and legal duties? Or do they require a distinct foundation emerging from minority cultures, ethnically and culturally differentiated?

• Considering the current climate and democratic crises and escalating economic inequality, are human duties necessary for the full realization of human rights, or is the State's guarantee alone still sufficient?

• What are these duties? What do constitutions and binding and non-binding International Human Rights Law (IHRL) state?

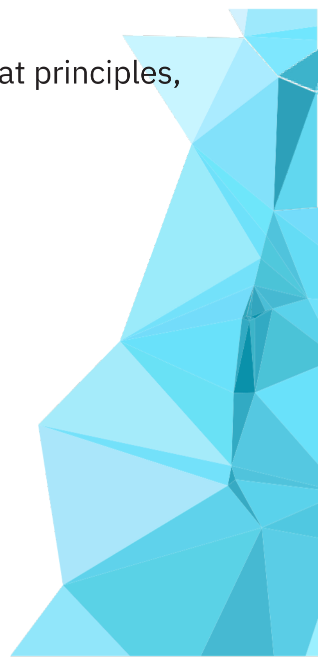
• How do constitutional duties differ from the human duties referred to in international human rights law?

• Is there an essential core of human duties? Could this core be reflected in duties of solidarity, respect for others' rights, and the principle of no abuse of rights vis-à-vis both the State and other private individuals?

• How do human duties relate to the horizontal application (horizontal effect) of fundamental rights?

• What criteria and conditions must be met for duties to enhance the effectiveness and sustainability of rights to liberty, Economic, Social, and Cultural Rights (ESCR), and environmental rights under conditions of equality?

• How have constitutional and human rights courts applied duties and under what principles, and what has been their impact



Workshop 133
Pluralisms, Identity, Land, and Conflicts

Chairs:

- **Filipo Burgos Guzmán:** filipo.burgos@ uexternado.edu.co
- **Marcela Gutiérrez:** marcela.gutierrez @ uexternado.edu.co
- **Soraya Pérez:** Soraya.perez@ uexternado.edu.co
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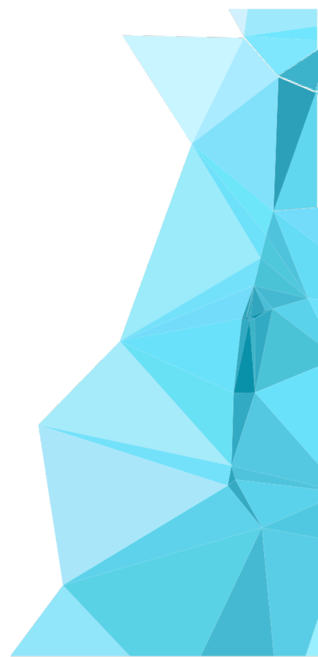
This workshop will foster reflection on how the recognition of ethnic and cultural identity entails the granting of collective rights. Their existence and implementation have generated tensions at various levels: in relation to the individual rights of members within each group, in the interplay between the collective and individual rights of different peoples, and in the ways the State recognizes and regulates them within a plural constitutional framework. The workshop is conceived as a space for interdisciplinary dialogue and analysis that will address the importance, evolution, scope, and challenges of the rights of peasants, Roma communities, Black communities, and Indigenous peoples in Colombia. These collective subjects, with diverse historical trajectories, share a common demand for effective guarantees to exercise their autonomy, preserve their ways of life, and ensure respect for their territories.

The discussion will be structured around three central axes: identity and belonging, territory and property, and conflict resolution. It will examine how these dimensions are fundamental to the strengthening of community life and to addressing the tensions that arise both within these groups and in their relations with other social actors and with the State. The workshop will also analyze interethnic disputes that emerge in contexts where the rights recognized for one collective may come into conflict with those of another, and how these tensions find (or fail to find) responses within the current legal framework.

Colombia's constitutional order, in its commitment to a pluriethnic and multicultural State, has created normative and jurisprudential spaces aimed at responding to these challenges. However, significant difficulties persist in the implementation of public policies, in the equitable distribution of resources, and in the construction of effective mechanisms for intercultural dialogue. This workshop invites a critical examination of the solutions that constitutional law has proposed, as well as the identification of gaps and opportunities for greater protection and guarantee of collective rights.

Beyond legal analysis, the workshop seeks to open a space for listening and mutual recognition, where researchers, social leaders, representatives of ethnic and peasant communities, and institutional actors can share their experiences and perspectives. In doing so, it aims to contribute to a broader understanding of the challenges posed by coexistence in a plural State, and to the search for pathways that strengthen social justice, respect for cultural diversity, and the construction of peace.



Workshop 134
LOLA: Levels of Legal Pluralism in Abya Yala. Decolonizing Constitutional Narratives in the New Latin American Constitutionalism

Chairs:

- **Alejandro Santamaria Ortiz** alejandro.santamaria@uexternado.edu.co
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In a context of growing request of recognition of alternative legal paradigms Latin America has garnered growing interest as a living laboratory for legal pluralism and Intercultural Constitutional Engineering. These innovations stem from the need to depart from the Western legal tradition, seek a more efficient response to the demands of indigenous peoples, made more urgent by the climate crisis, and introducing pioneering innovative measures that align with ecological ethnicity. Such measures are aimed at supplanting the legal frameworks of colonial heritage, safeguarding the traditional modus vivendi of indigenous communities, and offering a counterbalance to the pervasive effects of neoliberal globalization. However, it is precisely in relation to the necessary responses to the identity demands of indigenous peoples and the recognition of the Rights of Nature that these constitutional systems fall into a legal and political short-circuit: these demands find acceptance at the constitutional level, but their concrete implementation has encountered considerable difficulties, undermining the circulation of a transformative Andean constitutional model, as exemplified by the failure of the Chilean constitutional revision project. This theme lies at the heart of the project LOLA: Levels of Legal Pluralism in Abya Yala, developed by Tilburg University in collaboration with the Latin American Studies Centre at the University of Bologna, Universidad Externado de Colombia and Universidad Domingo Savio. This workshop builds on the project's agenda with the aim of fostering a critical and comparative reflection on three levels of pluralism and their concrete implementation within the constitutional systems of the Andean region.

The specific topic to be explored are:

1. Political Pluralism Level: This level of pluralism is linked to the concept of plurination and selfdetermination of indigenous peoples in contrast to colonial homogeneity. The aim is to analyze the mechanisms of democratic participation of indigenous communities and autonomies and the relationship between pluralism and territory.

2. Legal Pluralism Level: The legal pluralism enshrined in plurinational constitutions entails the recognition of an autonomous indigenous jurisdiction, which can compete with ordinary and special jurisdictions. The analysis of this level of pluralism will focus on the implementation of indigenous law, the recognition of indigenous jurisdictions, the rights of nature paradigm within the jurisprudence, and the competition between special indigenous jurisdictions and agri-environmental jurisdictions concerning rights of nature.

3. Eco-ethical Pluralism Level: Economic self-determination advocates for the leading role of indigenous nations in the elaboration of their own models of development, with particular emphasis on non-anthropocentric conceptions of the relationship with Nature, opposing extractivism and capitalist exploitation of natural resources. This level of pluralism combines the economical and ethical dimensions of the indigenous cosmovision known as buen vivir. The aim is to analyze the exploitation of natural resources together with the impact of such policies on indigenous communities, and the relations between Rights of Nature and land rights.

This workshop invites scholars to debate and reflect on the different levels of pluralism, highlighting both their potential and their critical challenges, and to explore the possible implications that such experiences may have for diversity governance, the management of cultural conflicts, and the capacity of constitutional systems to respond to social and ecological crises.

Workshop 135
Constitutional Property, Formalization Policy, and Its Impact on Rural Areas

Chairs:

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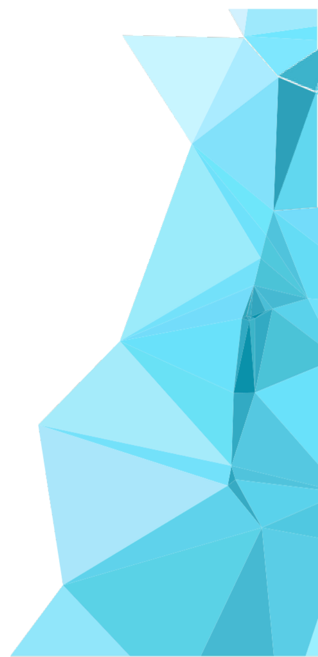
The unequal distribution of rural land and the high levels of informality in land tenure are structural problems in Latin American countries. In recent years, the demands of various social movements, the growing global demand for commodities, and the expansion of the idea of the social rule of law in the region's constitutions have led States—after years of numerous failed agrarian reform attempts—to implement new approaches to the agrarian question.

In this context, in Peru, the emphasis on property formalization and agribusiness is evident; in the Dominican Republic, the focus has been placed on formalizing peasant property and on the debate about how to integrate this population into the productive process of the economic system; in Colombia, meanwhile, multiple legal regimes coexist that seek to fulfill the goals of the Final Agreement signed with the FARC-EP in 2016, and discussions are underway on how to reconcile the need to promote sustained, sustainable, and inclusive rural development within diverse territorial realities.

This multiplicity and diversity of perspectives on rural land formalization opens up a debate on the various conceptions of constitutional property that underlie each of these legal systems, the ways in which they are implemented through the formalization policies adopted by each State, and the impact these have on rural communities.

The panel explores how and for what purposes rural land formalization policies are conceived, as well as their effects on rural populations and territories, in three national contexts: Peru, the Dominican Republic, and Colombia. The discussion seeks to identify the outcomes of different rural property formalization policies, the constitutional conceptions that these policies reflect, and the relevant conditions for understanding the process through which constitutional clauses are translated into public policies on land.



Workshop 136
The Social Form as Appropriation and the Different Schemes of Belonging in Contemporary Constitutionalism: A New Interpretation from the Roman Legal Experience

Chairs:

- **Jorge Alberto Colmenares Mantilla** Jorge.colmenares@uexternado.edu.co
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From the earliest Roman legal-political structures to modern populism, the notion of the public and of the social form as res—a "thing"—has served the most varied identity-based or relational experiments, whether democratic or oligarchic, liberal or authoritarian, paternalistic or totalitarian. Concepts such as the "public thing" or the "public good" have been defined and characterized in both material and abstract terms, through linguistic functions and dialectical topoi, enabling, alternatively, ideas capable of incorporating different—indeed opposing—conceptions of the collective and of the legitimate exercise of power.

For this reason, the proposed workshop begins with a linguistic and conceptual analysis of how the public and the common are characterized from the perspective of the res, since within the framework of certain devices stemming from the Western legal tradition, it is possible to provide valuable tools to orient contemporary debates on political forms and on the dangers concealed by their apparent "neutrality." Along this path, and in relation to the way humans interact with their environment—especially in times that are critical for the preservation of life as we know it—it becomes imperative to examine the different schemes of belonging that can be identified in Roman legal experience. This helps demystify the notion that the bourgeois proprietary paradigm embedded in nineteenth-century civil codes —especially the Code civil and the Bürgerliches Gesetzbuch (BGB)—is the only possible framework for conceiving an adequate legal protection of human rights over things.

This return to Roman thought allows for the construction of a conceptual framework that re-dimensions the legal notion of property, not only from the perspective of civil law but also through the various experiences that incorporate it within the constitutional sphere. This approach recovers ab initio its complexity and ductility, which make it capable of supporting different ways of manifesting in the real world, taking into account the infinite variety of things that exist. To understand how this process affects Latin American constitutionalism, it is useful to observe how Roman experience—shaped by Stoic philosophy and delineated generally through Gaius's institutional system—entered first into Chilean codification and was later embraced by the 1980 Political Constitution of Chile. Article 19, No. 24, paragraph 1 ensures for all persons property over all kinds of corporeal and incorporeal goods, which has led to the "propertization of rights." This doctrinal development distinguishes between property (which includes dominium, associated with corporeal things), the right to property (detached from Roman tradition, which tied dominium to corporeal things), and property over other rights, understood according to the fundamental element of the Gaius distinction —namely, the idea of titularity incorporated into the patrimony.

Finally, re-dimensioning the different schemes of belonging through historical-dogmatic analysis underscores the idea that Roman law on public goods has influenced constitutional-level norms in Europe and Latin America, particularly regarding the public–private goods dichotomy. This dichotomy has been enriched by the presence of a tertium genus: the commons, which belong to citizens and trace back to the Roman classical jurisprudential category of res communis omnium. Special attention will therefore be given to the constitutional importance acquired by goods such as the landscape and the historical-artistic heritage.

Participants in this workshop are invited to address any of the many aspects of the theme of peace at its intersection with the concept of constitutionalism, including peace as a constitutional right (the right to peace).

Workshop 137
“Rethinking the Social Function of Property in Intellectual Property (IP): A Constitutional Dialogue”

Chairs:

- **Carlos A Conde G** *carlos.conde@uexternado.edu.co*
- **Manuel A Guerrero**

Intellectual property (IP) has historically been approached through theories of economic incentives and individual justice. However, in many constitutions—particularly in Latin America—property, including intellectual property, is conceived as a right that must fulfill a social function. This Workshop seeks to open a space for critical and plural reflection on how to reconfigure IP regimes from a constitutional perspective centered on the common good, fundamental rights, and equity. We aim to bring together voices from various fields—law, social sciences, arts, technology, and more—to rethink the place of IP within constitutional law.

Suggested Topics (non-exhaustive)

- Critical and constitutional theories of intellectual property.
- The social function of property in Latin American constitutions and its application to IP.
- Access to medicines.
- Use of the flexibilities of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) as a driver of social justice.
- Traditional Knowledge and Traditional Cultural Expressions, and their protection in intellectual property.
- IP and Intangible Cultural Heritage.
- Case law analysis related to the social function of IP.

Workshop 138
Sustainability of Current Constitutions and the Protection of Consumer and Competitor Rights within Market Structures in the Digital Age

Chair:

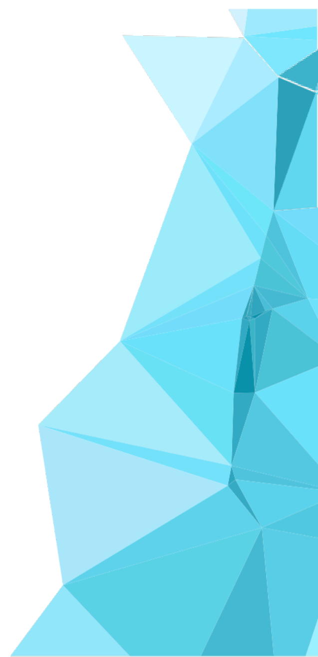
- **Carmen Ligia Valderrama Rojas** carmenl.valderrama@uexternado.edu.co
- **Mariné Linares** marine.linares@uexternado.edu.co

It is evident that within market structures around the world, consumer rights and free competition have increasingly become foundational pillars that sustain and define the economic regime established in constitutions across different regions. Unsurprisingly, international organizations and national constitutions alike have been developing guidelines and legislating on these matters.

However, the constitutionalization of consumer protection and free competition is now confronting new criteria that have emerged particularly from digital transformation and technological advancements, which are undoubtedly posing new and significant challenges for the protection of these rights. This makes it unavoidable to analyze constitutions from an economic perspective and to assess their sustainability in relation to the regulatory elements they contain, as well as the overarching objectives of the constitutional order.

In this context, it becomes necessary to ask whether existing constitutional norms remain sustainable or must be amended in light of the new challenges arising in market economies where digitalization and virtualization create constantly evolving demands. To mention only a few examples, we must consider questions such as: Can we overlook the development of e-commerce and its cross-border nature when seeking to protect both competitors and consumers? How can we ignore the sharp concentration of the digital market in the hands of a few actors? Is neuromarketing, driven by technological advancements, an area without limits that allows companies to expose consumers to advertising generated through digital tools? What impact does this new reality have on business management for market participants?

In conclusion, markets are undergoing evident transformations that require us to reflect on the constitutionality of the protection afforded to competitors and consumers, and to determine whether constitutional norms must be revised or whether they remain sustainable, leaving it to constitutional interpreters—such as high courts—to interpret existing provisions and provide the necessary responses for a rapidly changing world.



Workshop 139
Constitutionalism, Public Services, and Sustainability

Chair:

- **Sanchez Guzman, Paula Vanessa**

The provision of essential public utilities such as electricity, water, basic sanitation, and gas constitutes one of the main means of ensuring the fulfillment of the purposes of the Social Rule of Law, such as the protection of fundamental rights, improving the population's quality of life, and preserving the environment through their delivery. The Constitution thus guarantees access to essential services for all citizens, promoting their coverage, quality, efficiency, and sustainability within the framework of the energy transition and the circular economy.

This workshop will examine the global transformation in the provision of essential public services linked to the satisfaction of basic needs and environmental sustainability from multiple constitutional dimensions, addressing questions such as:

- What has been the role of constitutionalism in protecting fundamental rights related to the provision of essential public services?
- Has sustainability contributed to the universalization of essential public services?
- How have constitutional courts contributed to protecting rights associated with the efficient provision of essential public services?
- What kind of system should allow for a balance between providing essential public services through nature-based solutions and ensuring the satisfaction of basic needs and universal service coverage?
- Have new legal concepts emerged in the provision of essential public services that enable an energy transition while prioritizing energy security?
- How can universalization and efficiency in the provision of essential public services be ensured in the context of circular-economy models for drinking water and basic sanitation?

Workshop 140
Economic, Social, and Cultural Rights in a World in Crisis: What Response Does Constitutional Law Offer?

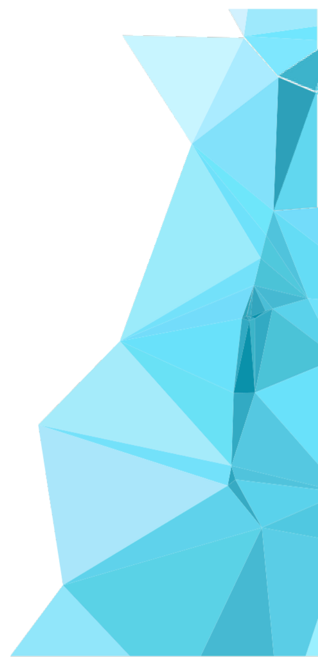
Chairs:

- **Sandra Liebenberg**
- **Mirja Trilsch**
- **Christine Vézina**

Economic, social and cultural rights (ESCR), as defined in international human rights law, are being undermined by the multiple crises affecting the contemporary world, both in the Global North and South. Consider, for example, the climate crisis, migration, financial instability, housing and homelessness, the information crisis, food insecurity, wars, the dismantling of the welfare state, the erosion of health and education systems, the rise of populism, and the risks associated with generative AI. At the same time, international law on ESCR provides normative tools and legal levers to structure responses to these crises. These include the prohibition of regressive measures and the obligation to protect the essential core of ESCR as imposed by the International Covenant on Economic, Social and Cultural Rights, as well as the individual communication procedure before the UN Committee on ESCR, which has been particularly mobilized in response to housing crises in various countries. But what about constitutional law within states? Do these crises and the risks they generate—particularly for peace, security, and democracy—have a transformative effect on constitutional law? Or at the very least, do they provoke tensions, breakthroughs, or innovative developments that could enhance the role of ESCR in judicial litigation? This workshop seeks to cross perspectives to examine whether and how the crises we face act as variables influencing the effectiveness of ESCR in constitutional law.

To map these variables and link them to the normative responses associated with them, in order to develop a comprehensive portrait of contemporary constitutional law developments regarding ESCR. This study may be approached through legal positivism, critical theories, and interdisciplinary approaches. It aims to highlight and connect the following indicators: the characteristics of ESCR holders; the scope of the obligations imposed and the identity and characteristics of duty-bearers; the role and place of legal methodology in the justiciability of ESCR; the nature of remedies; the existence of biases and prejudices, and the factors that neutralize or mitigate their impact on ESCR recognition; the representations of ESCR crystallized in constitutional law; judicial mobilization practices. These intersections will provide fertile ground for theorizing ESCR in a world in crisis. The emphasis on crises will also offer an opportunity to question the assumptions underlying the original conception of ESCR, to rethink their parameters and functions, and to update their purpose—between historical anchoring and postmodern realities. Finally, we will explore how the concept of reparative justice, as a response to contemporary crises, operates in the interpretation and adjudication of ESCR within constitutional law.

This workshop is intended as a space for exchange and cross dialogue. Each participant will have 10 minutes to present their reflections. This will be followed by a collaborative effort to build an analytical framework for ESCR in times of crisis, along with theoretical pathways



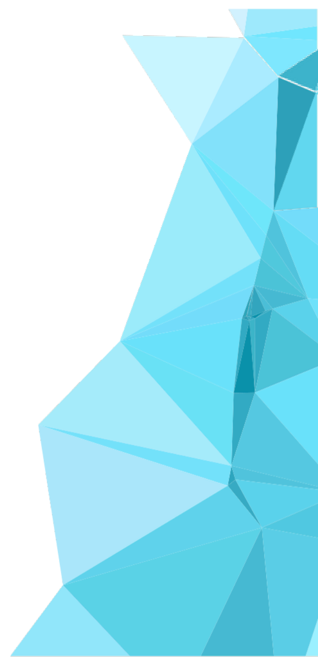
Workshop 141
Human Rights in Crisis: Reclaiming Economic and Social Rights in Times of Autocracy, Conflict and Populism

Chairs:

- **Meghan Campbell**
- **Rishika Sahgal**
- **Ben Warwick**

The rapid deterioration of the rule of law, democratic backsliding and decay, the escalation of armed conflicts, and the rise of far-right populism—both internationally and domestically—have plunged the world into a persistent state of crisis, placing human rights under mounting strain. In some instances, human rights are explicitly targeted by far-right parties in the UK and across Europe, who advocate withdrawal from international conventions such as the European Convention on Human Rights (ECHR) and the Refugee Convention to advance anti-immigration agendas. In other cases, however, the human rights framework—and its violation—is sidelined. Israel's military campaign in Gaza, or the Russian aggression against Ukraine, are rarely framed primarily as human rights violations. Instead, they are portrayed through the lens of international criminal law or international humanitarian law. This ambivalent place of human rights needs to be reconsidered. Economic and social rights—and their neglect—often lie at the root of these crises, for instance, by helping to explain the conditions that lead impoverished communities to support right-wing policies in the UK and Europe and economic and social rights can also be weaponized to advance autocracy, conflict and right-wing populism. In other contexts, these rights are clearly among the casualties of conflict, as seen in the obliteration of Gaza or the devastating impact of Russia's war on essential infrastructure for the well-being of Ukrainians.

This panel explores the potential—and limitations—of economic, social, and cultural rights in confronting the challenges posed by the deterioration of the rule of law, armed conflicts, and far-right populism, among other crises. It invites reflection on why these rights remain simultaneously marginal and increasingly 197 weaponized in contemporary legal and political discourse, and how they might be repositioned to play a more central role in addressing these challenges. The co-convenors welcome paper proposals that engage critically with these questions

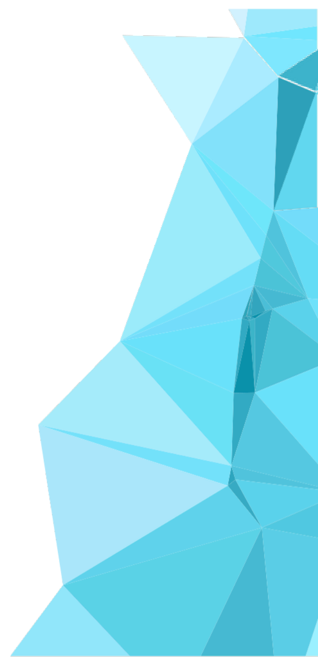


Workshop 142
Beyond Courts : A Socio-Constitutional Approach to Fundamental Rights

Chairs:
- Manon Altwegg-Boussac
- Marie Cretin Sombardier
- Claire Saunier

Within cultures of legal constitutionalism (or written constitutionalism) fundamental rights are most often understood and enforced through Courts. Codified in declarations of rights, they are interpreted by constitutional courts through specific forms of legal reasoning. By focusing primarily on the judicial dimension of rights protection, the language of rights and freedoms tends to obscure the socio-political issues that surround them. This workshop proposes to shift our focus beyond judicial guarantees and formal interpretation, to consider rights and freedoms within their broader social and political contexts. The aim of this workshop is to open the conversation to other research perspectives and to foster a critical reflection on our own intellectual habits ans legal framework. A variety of themes may be explored. For instance, we might examine how constitutional courts sometimes decline jurisdiction when rights and freedoms are framed as "societal questions" or "political questions" (as seen in France, Italy, or before the European Court of Human Rights). In such cases—often involving bioethics, abortion, or adoption—the courts may defer to legislative decision-making, considering the issues too political, philosophical, or ethical for judicial resolution. Furthermore, the interpretation of rights and freedoms often incorporates more than purely textual arguments. Parliamentary debates and the contributions of various social actors frequently enrich the legal discussion with concrete (sociological, political, psychological, scientific etc.) arguments that constitutional scholars should also take seriously.

Another theme of interest is the potential inadequacy of our current legal categories and concepts in addressing key challenges of contemporary constitutionalism. For example, can ecological issues be effectively addressed through the language of environmental rights and freedoms? Should we reconsider our understanding of legal subjects (e.g., by recognizing the rights of nature), or should we shift the focus toward collective interests and political decisionmaking? In addition, the rise of authoritarian constitutionalism—often disguised in the language of the rule of law—calls for urgent reflection on our conceptual frameworks. Theoretically and critically, this workshop also invites a reconsideration of the genealogy of human rights and theoretical thought since the 18th century. How have these genealogies shaped—or distorted—our understanding of the boundaries between individualism and society, between natural rights, individual rights, civil rights, and social rights? Any other topic related to the workshop theme is welcome



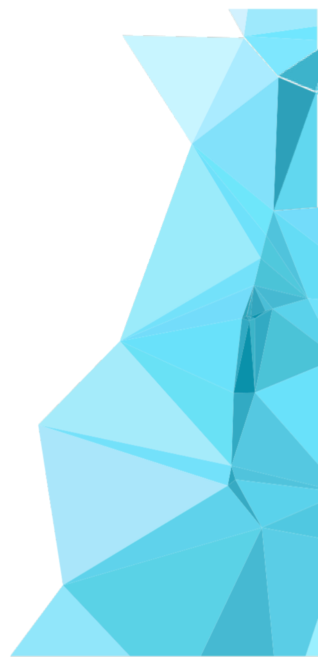
Workshop 143
THE CONSTITUTIONAL SYSTEM OF GUARANTEES FOR CULTURAL RIGHTS IN COMPARATIVE PER SPECTIVE

Chairs:
- **Pier Luigi Petrillo** pierluigi.petrillo@unitelmasapienza.it
- **Francisco Humberto Cunha Filho** humbertocunha@unifor.br

The constitutional guarantee of cultural rights represents a crucial, yet often underexplored, dimension of contemporary constitutionalism, raising complex legal challenges that encompass constitutional design, statutory implementation, judicial and regulatory enforcement, democratic participation, and international cooperation. The extent and manner in which each constitutional system formally recognises cultural rights and provides guarantees for their effective implementation is a key indicator of its overall health in terms of democracy, human rights, and the rule of law. This workshop aims to examine how constitutions across different jurisdictions recognise, protect, and implement cultural rights—or fail to do so—while highlighting the roles of the legislative, executive, and judicial branches, together with the public, communities, and other stakeholders, in shaping, preserving, and promoting the cultural fabric of our societies. Such an analysis requires an indepth consideration of related key aspects, including the multilevel protection of cultural heritage, the rights of minorities and indigenous peoples, cultural economy and cultural diplomacy, governance of the pressing challenges posed by migratory flows, the climate crisis, and new technologies, disparities between the Global North and South, as well as democratic backsliding and constitutional degradation.

Contributors are invited to reflect on questions such as:

- How do constitutional systems recognise cultural rights and provide guarantees for their implementation?
- How do constitutional systems of guarantees for cultural rights compare across jurisdictions, and what is the impact of Global North-South divide?
- Which roles do legislative, executive and judicial branches perform in the protection and promotion of cultural rights, even in connection with its multilevel dimension?
- Are citizens, communities and other stakeholders involved in cultural-sensitive decision-making processes, and if so, how?
- What role does cultural diplomacy and cultural economy play in the protection and promotion of cultural heritage?
- What protections are afforded to the cultural rights of minorities and indigenous peoples?
- How do major contemporary challenges—migration, the climate change, technological evolution, and democratic rollback—affect the constitutional protection of cultural rights?



Workshop 144
The home as a constitutional right: proposals for a global socio-legal dialogue.

Chairs:

- **Marco Aparicio Wilhelmi** marco.aparicio@udg.edu
- **Andrée Viana Garcés** andree.viana@udg.edu

Difficulties in accessing adequate housing constitute one of the most profound social grievances affecting our societies today. The intensity with which the denial of the right to housing has impacted certain “Souths” of the Global North in recent decades—especially in the case of Spain—makes a global dialogue of analysis and shared experiences more necessary and valuable than ever.

In a context where overlapping crises (financial, economic, health-related, and also climatic) are generating chronic and structural levels of socio-economic precariousness and insecurity, the guarantee of the social function of property is set to become a central battleground in an ideological—and cultural—dispute that will shape the extent to which states fulfill their social commitments. This dispute is currently situated, and will continue to be situated in the coming years, on the terrain of the conditions of access to adequate and dignified housing and, specifically, given the current distribution of property ownership, on the limitation of private property rights through robust social regulations governing lease relations, as well as land use.

This workshop creates a space for reflection, analysis, and proposals on the construction of the right to housing through socio-legal dialogue. Such dialogue—focused on deeply diverse contexts—is made possible by the ways in which global capital is impacting the realization of economic and social rights, whose modes of operation and effects increasingly bring our realities closer together. From this arises the relevance of comparison and dialogue between normative dimensions (international-regional, constitutional, and legal), jurisprudential developments, and ultimately, the forms of mobilization, proposals, and social-guarantee practices related to the right to housing.

WORLD CONGRESS OF CONSTITUTIONAL LAW 2026

Workshop 145
Human Dignity and the Right to Water: Constitutional Pathways and International Commitments

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The recognition of the human right to water by the UN General Assembly in 2010 (Resolution 64/292) marked a turning point in international law, emphasizing the urgent need to secure access to safe water in a world of increasing scarcity. Yet, the effectiveness of this right remains contested: Does its absence from most national constitutions represent a legal and practical risk, or can international frameworks and statutory provisions provide sufficient guarantees? This workshop aims to examine the potential and the limits of constitutional recognition of the right to water. This right is closely linked to human dignity which covers – at least according to the German Federal Constitutional Court – also a minimum subsistence level. Constitutionalization may enhance enforceability, strengthen judicial oversight, and translate international obligations into tangible protections, particularly for groups facing structural inequalities, such as women, children, marginalized rural populations, and indigenous peoples of the Amazon. At the same time, the discussion will critically assess whether robust statutory law, administrative mechanisms, or international obligations could offer comparable safeguards without constitutional entrenchment. Constitutional protection of the right to water may be more necessary or adequate in some national constitutions than in others, due to the factual situation in terms of water scarcity and economic development but also due certain constitutional patterns. These questions have to be examined in depth. The debate also intersects with the pressures of extractivism and economic development, which often intensify water scarcity, degrade quality, and create asymmetries between short-term growth and longterm sustainability.

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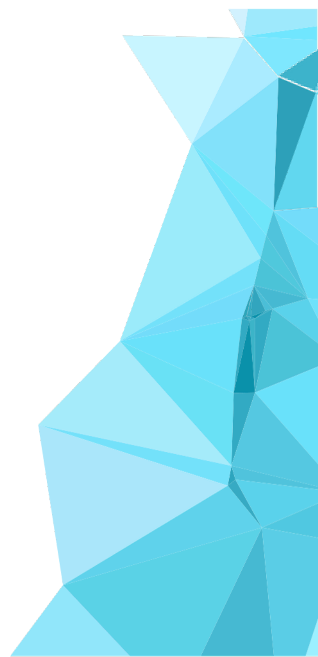
By questioning these assumptions, the session will explore the interaction between constitutional law and international law, the challenges posed by sovereignty, impeding cooperation, and the extent to which different legal pathways—constitutional and nonconstitutional—can effectively secure equitable access to water as a matter of human dignity, environmental justice, and sustainability. Contributions adopting interdisciplinary approaches, presenting case studies, or offering theoretical perspectives are also welcome. The workshop provides a setting for examining the questions it raises through close engagement with participants, encouraging the exchange of diverse viewpoints. In this context, the workshop aims to foster an open and rigorous scholarly dialogue.



Workshop 146
Work and New Technologies

Chairs:
- **Omar Ernesto Castro Guiza** omar.castro@campusucc.edu.co
- **Jorge Andrés Páez Quiñones** jorge.paezq@campusucc.edu.co

Work has undergone very significant changes in recent decades—from how services are provided to the tools used to carry them out. In this context, new information and communication technologies (ICTs) have gained prominence, becoming essential means for performing any work-related task in today's world. Regardless of the productive sector or the activity involved, ICTs must be present in the workplace.

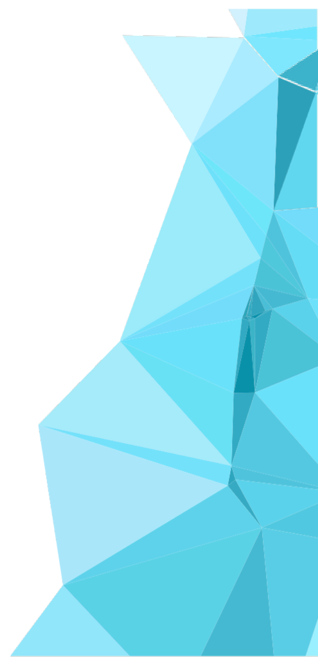
However, the legal regulation of the use of ICTs at work is still incipient; neither workers, employers, nor service providers are yet clear about the rights and duties regarding the use of these technological tools, and even less about the labor or social implications that arise from their use.

In addition, easy access to the internet means that people constantly use technological applications on their mobile devices, whether for work purposes or not, dedicating a large portion of their time to using platforms—mainly social networks such as YouTube, Instagram, Facebook, WhatsApp, among others—which, besides enabling communication and access to information, in many cases support daily activities, including work-related ones (ILO, 2022).

Furthermore, ICTs have enabled the development of a wide range of tasks through which people earn income; however, these tasks often lie on the boundary between self-employment and subordinate employment. They also modify traditional obligations in the provision of services, creating legal relationships that generate ambiguity regarding the applicable regulations or, in some cases, fall within legal vacuums.

To illustrate this, one can refer to digital platforms (digital labor), whose use and importance increase every day. Based on internet access, these platforms represent easy-to-use digital tools that provide immediate access and operate independently of the physical location of the person performing the task (Canessa Montejo, 2021).

In Colombia, the situation follows the same global trend, with limited regulation concerning ICTs and work, and only a few decisions from the Constitutional Court addressing conflicts in these matters. An example is ruling T-574-17, in which the Constitutional Court established legal criteria to determine the nature of the use of the WhatsApp social network in the labor context. Overall, it is evident that there is a need to implement legal guidelines that allow for the identification of the nature of work relationships arising from the use of ICTs and to define whether such relationships fall within the scope of labor law or outside of it.



Workshop 147
School education among the individual, the family, and the State.

Chairs:
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- **Silvia Illari** silvia.illari@unipv.it
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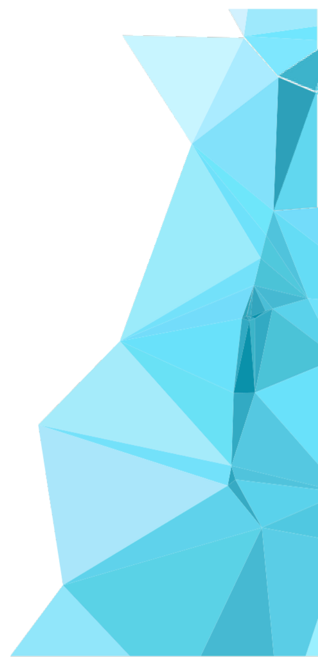
The strengthening of constitutional democracies requires not only institutional reforms, but also a sustained commitment to building a shared civic culture capable of upholding, over time, the fundamental values of the democratic order. In this context, compulsory schooling represents a privileged space: it is there that the civic consciousness of new generations is shaped, the basic principles of democratic coexistence are transmitted, and the resilience of constitutional systems is often measured—silently yet profoundly. The definition of school curricula, in particular, lies at the crossroads of the neutrality of public education, educational freedom, constitutional constraints, and the demands of social cohesion.

In an era marked by a plurality of identities and increasing attention to cultural rights and claims for recognition, the question of the legitimacy—and, in some cases, the necessity—of including certain contents in compulsory school curricula raises far-reaching legal questions. The seminar aims to explore these issues from a constitutional and comparative perspective, in light of international human rights protection systems and the normative and jurisprudential experiences of democratic states. Particular attention will be paid to the tensions between the active promotion of democratic values and respect for cultural, religious, and identity diversity.

Contributions are therefore invited that address one or more of the following lines of inquiry: (i) whether the State may legitimately establish school contents aimed at promoting constitutional and democratic values, and to what extent; (ii) the limits of parents' educational freedom when confronted with contents deemed essential to the fulfillment of the public function of education; (iii) the safeguard mechanisms that may be activated in cases of exclusion or marginalization of certain subjectivities in teaching materials or educational pathways. Topics such as civic education, sex education, the representation of minorities and differences, the regulation of textbooks, religious symbols in schools, and freedom of teaching will constitute core areas of discussion.

The debate will also extend to legal systems that adopt assimilationist educational models, in which public schooling assumes an active role in transmitting common values in the name of secularism and universalism. In parallel, reflection will be devoted to the meaning and possible contemporary relevance of tools such as constitutional catechisms, at a time when citizenship tends to be perceived in fragmented or defensive terms.



Workshop 148
Constitutional Supremacy and the Transformation of the Legal Framework of the Family

Chairs:

- **Jairo Rivera Sierra** jairoriveraabogado@gmail.com
- **Yadira Elena Alarcón Palacio** yadialarcon@gmail.com
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Contemporary Family Law is undergoing an unprecedented transformation, driven by Constitutional Supremacy and, fundamentally, by the integration of International Human Rights Law. This evolution is evident in the shift from protecting the singular, traditional family (based on marriage) to recognizing diverse family forms (cohabiting couples, same-sex families, single-parent families, etc.) and ensuring full equality in parentage.

This panel provides a platform for scholars and experts from around the world to share their experiences on how the constitutionalization of Family Law is impacting domestic legislation in their countries. We aim to establish a comparative dialogue on the various realities of the Constitutional Block or Normative Hierarchy across different legal systems: How is the Constitution applied in Argentina, Germany, or Mexico to family law conflicts? Comparing domestic jurisprudence with supranational standards is vital to understanding how rulings from the Inter-American Court of Human Rights, the European Court of Human Rights, or other bodies are redefining concepts such as the autonomy of will and the best interests of the child, compelling our civil codes to evolve.

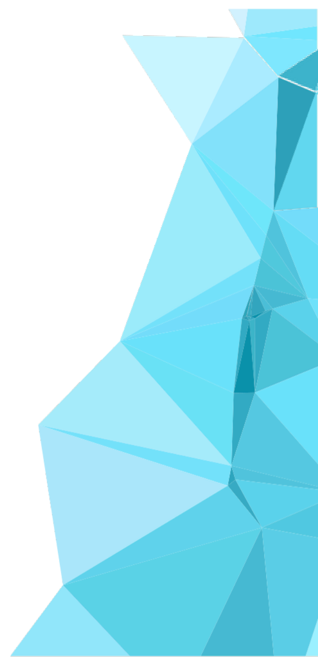
Your participation is essential for mapping global legal trends and the challenges posed by this interaction of normative sources. In Colombia, Family Law has undergone significant structural changes in recent decades. Family models have been addressed by the Constitutional Court in a reinterpretation of the scope of Article 42 of the Constitution.

The new concept of family in Colombia has been particularly developed in Judgment C-577 of 2011, in which the high court refers to the determining elements of couples in Colombia and the different family models.

Regarding the first, overcoming traditional paradigms, the court established "the foundations of a new concept of family now based on sexual self-determination, the malleable nature of the family," which aligns with a multicultural and multiethnic state that justifies individuals' right to form a family "according to their own life choices, as long as fundamental rights are respected"; on the heterogeneity of family models, allowing a shift from a static perception to a "dynamic and longitudinal perception of the family," where an individual can integrate different configurations over the course of their life; on the principle that "the fact of a person's sexuality" is entirely irrelevant when extending patrimonial (and personal) protection to members of the couple and therefore cannot be used; and finally, that a couple forming a family is based on an intimate and particular relationship between two people, founded on affection, of an exclusive and singular nature, with a clear intention of permanence.

Regarding the second, the Court recognizes the existence of the matrimonial family, the de facto marital union, the blended family, the single-parent family, the foster family, and, in an attempt to promote a new model, refers to same-sex families, which was later realized in the recognition of marriage equality by Judgment SU-214 of 2016.

This academic space aims to reflect on the scope of the Political Constitution and consider the role of Jurisprudence in its interpretation, for the effective realization of the family as the fundamental nucleus of society.

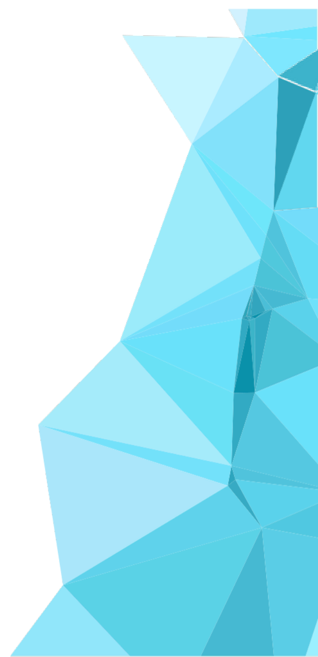


Workshop 149
Emerging Rights: Theoretical Foundations and Constitutional Challenges

Chairs:
- **Rubén García Higuera** ruben.garcia@cepc.es
- **Digno José Montalván Zambrano** dignojose.montalvan@urv.cat

The assertion of new rights by political and social movements of varying influence is a common phenomenon in contemporary societies, which are characterized by cultural, political, economic, environmental, and even armed conflicts. The advancement of modern, open, and inclusive societies requires a critical examination of the legal foundations and conceptual bases of these new rights, as well as the expanded dimensions of “traditional” rights. Efforts to integrate these "emerging" rights into our constitutional and international frameworks must be underpinned by a theory that adequately grounds and defines such claims. A further subject of inquiry is the exploration of the limits inherent in the strategy of framing claimants as right-holders to secure legitimate claims to justice. The central objective is to facilitate the delineation of these boundaries. This workshop focuses on two primary lines of inquiry among these diverse claims: First, it analyses substantive emerging rights recently recognized by national and international courts. This line of inquiry explores rights associated with human identity and dignity; rights concerning the recognition of nature or future generations as rightholders; the right to a healthy environment; the right to care; or the integration of vulnerability and intersectionality perspectives into human rights standards. Second, it examines a category of emerging rights related to citizen participation in public affairs. This includes rights linked to political participation (e.g., in the digital public sphere, representation of minorities, and participation of persons with disabilities); rights pertaining to political deliberation (e.g., the right to receive truthful information, the right to political justification, or the right to understand the Law); and rights with a distinct institutional projection (e.g., the right to democracy, good governance, or a society free from corruption).

In sum, not only is this workshop theoretical, but also focused on case-law analysis. It seeks to think over the foundations of these new rights while also focusing on concrete standards. It revolves around applied research, analysing these concepts and their specific development within various constitutional, supranational, and international contexts



Workshop 150
Constitutional Law and the City: Rights, Power, and Spatial Justice in the Global South

Chair:

- **Rishika Sahgal** r.sahgal@bham.ac.uk
- **Mandisa Shandu** mandisa.shandu@new.ox.ac.uk

Cities are at the frontline of today's most pressing global challenges: housing insecurity and disparate land rights, growing spatial inequality, migration and displacement, climate vulnerability, economic precarity, and contested public space. As sites of both opportunity and exclusion, cities are the terrain where constitutional and human rights are experienced, claimed, and reimagined. They are also spaces where power is exercised, distributed, and contested. While law has a critical role in enabling, mediating, or challenging these struggles, constitutions often remain silent on the constitutional status of cities themselves. This silence is especially pronounced in the Global South, where rapid urbanisation and intersecting inequalities are confronted by institutional constraints, political contestation and limited resources in the face of overwhelming demand. This workshop delves into the layered interrelations between constitutions, rights, and power in urban settings, with a particular focus on the Global South. We ask: how do constitutions, and constitutional silences, affect people's lived realities and socio-economic dynamics in cities? What strategies, institutions, or practices enable cities to navigate the challenges of housing, mobility, basic services, work, and urban citizenship? How do communities and movements organise constitutional and human rights in their struggles for more just and equal cities? By bringing together comparative and interdisciplinary perspectives, the panel aims to unpack how constitutional law can contribute to more just, inclusive, and sustainable cities, and, in turn, how urban experiences can inform our understanding of constitutionalism today.

We invite scholars, practitioners, activists, and policymakers to submit abstracts for presentations that explore the relationships between constitutions, power, rights and cities in the Global South. Presentation topics may include, but are not limited to:

• Inequality and the city: gender, race, poverty, and intersectional discrimination in the context of the urban, strategies for resisting intersectional discrimination and creating a feminist/racially just city.

• Spatial justice: as a distinct emerging constitutional norm.

• Urban land and housing: eviction, affordability, gentrification, and tenure security and the impacts of the financialisation of land and housing.

• Work and the informal economy: the informal economy, work and urban space.

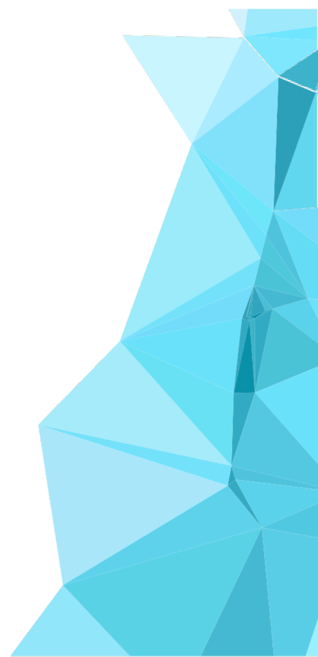
• Basic services and infrastructure: equitable distribution of services – water, sanitation and energy/electricity in rapidly growing cities.

• Mobility and connectivity: transport, walkability, and mobility as constitutional and spatial equality concerns.

• Public space, democracy and urban citizenship: protest, surveillance, policing, and the constitutional protection of democratic urban space.

• Institutions and governance: the role of municipal institutions in implementing constitutional rights; tensions between national constitutions and local governance; and institutional innovations for more just and equal cities.

• Regulating private power: the role of the private sector in creating and maintaining unequal cities; the role of constitutional law in regulating private power



Workshop 151
Care as a Right from the Inter-American Perspective, Constitutional Courts, and Comparative Approaches

Chairs:

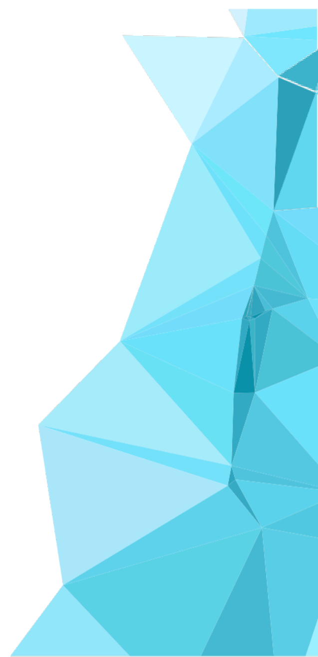
- **Alexei Julio Estrada** alexei.julio@uexternado.edu.co
- **Pablo González Domínguez** pablogonzalez@corteidh.or.cr
- **Patricia Pérez Goldberg** pperezgoldberg@icloud.com
- **Juan Sebastián López** Jslopez295@gmail.com

The right to care encompasses actions aimed at preserving holistic well-being across all stages of life; it involves the provision of medical attention, emotional support, and assistance with daily activities that enable individuals—and those who assume caregiving responsibilities—to pursue their life projects with autonomy and dignity. Recognizing the right to care moves beyond restrictive views that confined this function to the private and family sphere, positioning it instead as a universal and essential need for human life and sustainable social development. Its consolidation as a justiciable right has resulted from a normative construction process both at the domestic level and within regional human rights protection systems.

The topic proposed for this workshop intersects with several thematic axes of the World Congress. On one hand, it acknowledges the ongoing interaction between constitutional courts and other legal interlocutors, such as international human rights tribunals. This dialogical exchange has promoted contributions to the development of the rule of law, while also highlighting the challenges faced by both international and domestic courts in ensuring the effective implementation of their decisions.

On the other hand, recognizing care as a right faces challenges in ensuring compliance: from negative reactions to its recognition by certain sectors of the population, to financial constraints and crises affecting countries with a broad array of recognized rights but lacking the institutional capacity to fulfill their human rights obligations. Finally, acknowledging care as a right raises challenges regarding obligations that may fall on private actors, not only the State.

The workshop aims to examine, from a perspective that recognizes both advances and limitations, the development of the right to care through the study of comparative constitutional jurisprudence and the recent Advisory Opinion of the Inter-American Court of Human Rights that explicitly recognizes this right. A joint analysis of these experiences will allow the identification of consolidated standards, as well as pending challenges for effective implementation, with the goal of fostering a constructive dialogue on both institutional and non-institutional avenues to strengthen the recognition and full guarantee of this right.



WORLD CONGRESS OF CONSTITUTIONAL LAW 2026

Workshop 152
Right to Time and the Constitution: Some Case Studies

Chairs:
- **Mario Montoya Brand** mbrand@eafit.edu.co
- **Camilo Arango Duque** carang31@eafit.edu.co
- **Jose Eduard Peña Sosa**

Recently, a fundamental concern has emerged in contemporary societies regarding the management, conception, and distribution of time, transcending the individual sphere to become an object of cultural, political, and, above all, legal reflection. The interest focuses on how modern culture relates to this increasingly scarce resource, how efficient social coordination is achieved, and how public policies address the problem of its scarcity. Despite existing legislative advances worldwide—such as reductions in weekly working hours to facilitate rest and care for others, the legal recognition of time historically devoted to care by women, or time compensations in spheres like electoral processes—an essential gap persists at the highest normative level. The Time Use Initiative has concluded that, although time is a crucial political issue, it is also a decisive legal matter, since no Constitution in the world explicitly recognizes it as a right, a protected legal good, or a guiding principle.

This deficit presents a significant challenge: our normative structures must advance toward establishing time as a protected legal good and consequently define a Right to Time with its correlated duties, requiring the state apparatus to acquire explicit powers and competencies aimed at its effective protection and fair distribution.

The discussion focuses on the constitutional possibilities of time, questioning whether, through interpretation, this resource can acquire constitutional hierarchy, rising to the status of principle and right (whether fundamental, liberty-based, equality-based, or solidarity-based). Addressing these questions is essential for tackling the structural "chrono-injustices" that undermine social equity, manifesting critically across genders, between rich and poor, and among different human generations.

The field of chrono-justice encompasses everything from the treatment of time lost in physical or virtual queues for public and private services—where inefficient management represents an appropriation of citizens' temporal resources—to the use of "surplus" time in society (e.g., that of the unemployed or retirees), questioning whether it should be governed exclusively by the market's consumerist rationality or whether state policies should promote more valuable and solidarity-driven uses, leading to the construction of chrono-solidary societies inspired by models such as "time banks."

The theoretical framework of chrono-justice and the Right to Time finds its most compelling empirical test in gender asymmetries within the reproductive sphere. Unpaid care work (UCW) has been highlighted by feminist economics and sociology as strategic labor, central to the reproduction of social life, economic sustainability, and the achievement of social justice and decent work. In Colombia, data from DANE confirm the massive economic importance of UCW, representing 20 percent of the national Gross Domestic Product (GDP), a figure exceeding the economic contribution of sectors traditionally valued such as commerce, public administration, and manufacturing. However, this relevance contrasts sharply with profound gender gaps in its distribution, reflecting historical inequality structures. The 2020-2021 National Time Use Survey (ENUT) quantifies this temporal disparity: Colombian women devote, on average, 6 hours and 47 minutes per day to UCW, compared to only 2 hours and 36 minutes for men, creating a critical gap of approximately 4 hours and 11 minutes daily.

This asymmetry persists in local contexts such as Bogotá, where 89% of women engage in these activities versus 69.4% of men, with the same 4-hour-and-11-minute average gap between sexes, further reinforced by persistent cultural views, such as 54.8% of surveyed women believing that household disorder results from the lack of a "female hand."

To combat gender chrono-injustice, which denies women time for rest, education, and formal economic development, specific state action is required, operationalizing the competencies demanded by the framework of the Right to Time. In this regard, Bogotá's District Care System (SDC), established under Article 1 of Agreement 893 of 2023, emerges as the coordinating mechanism for policies, programs, and services aimed at meeting the care needs of Bogotá households under the principle of shared responsibility, explicitly involving the State (Capital District), the private sector, civil society, and families. The SDC aligns with the chrono-justice agenda by addressing care from a dual-rights perspective: recognizing the right to receive care for the person in need as a full rights-holder, and guaranteeing the rights of those providing care, primarily women and individuals engaged in UCW in the capital.

The institutionalization of this legally binding shared responsibility acts as the concrete application of the general principle of the Right to Time, progressively seeking to transform the sexual division of labor in the District.

By placing care—recognized as central work for development—at the heart of public policy, the SDC serves as an empirical demonstration of how the state can exercise its powers to liberate and value non-labor time, essential for equity and equality to transcend theoretical aspirations and become material realities. The SDC experience underscores that state intervention in the social division of labor is necessary to guarantee full citizenship, reaffirming that time, as a key resource, must be recognized at the highest legal levels in light of demonstrated asymmetries.

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Workshop 153
The Human Right to a Clean, Healthy and Sustainable Environment and Sustainable Constitutionalism – A transdisciplinary approach

Chairs:
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- **Belén Olmos Giupponi** belen_olmos_giupponi@biari.brown.edu

Taking an innovative and transdisciplinary approach, this workshop analyses the human right to a clean, healthy and sustainable environment as recently acknowledged by the International Court of Justice in its Advisory Opinion on climate change and in the jurisprudence of the European Court of Human Rights following from Verein KlimaSeniorinnen Schweiz v. Switzerland and Cannavacciuolo and Others v. Italy. The aim is to compare constitutional manifestations of this right and its many variations around the globe, drawing on different theoretical backgrounds under the umbrella of sustainable constitutionalism and the environmental rule of law. Within this scope, we welcome papers that seek to investigate domestic or comparative approaches to how constitutions guarantee such a right, whether explicit or implicit, whether justiciable or not, and how it relates to other guarantees in the constitution. Specifically, we are interested to look at constitutional court cases where this right is litigated and how courts determine its content through interpretation. In parallel to such more doctrinal and comparative studies, we invite papers that combine disciplines such as law and anthropology in order to investigate to what extent such new human right developments may actually provide additional protection, beyond existing guarantees, in particular for those who are particularly subjected to environmental harm. In that manner, the workshop intends to find some answers to the question to what extent and how environmental rights as part of the environmental rule of law may contribute to sustainable constitutionalism and what their limits are.

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Workshop 154
Ecological Constitutionalism and the Rights of Nature

Chairs:

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- **David Lovatón Palacios** mlovaton@pucp.edu.pe
- **Rubén Martínez Dalmau** Ruben.martinez@uv.es

The first generation of Constitutions to address Nature emerged during the 1970s. The incorporation of constitutional clauses regarding the environment inaugurated what is known as ecological constitutionalism, which developed throughout the last decade of the 20th century. Although significant, the environmentalist approach reflected a form of reductionist anthropocentrism, in which environmental protection responded primarily to human needs. During the first decade of the 21st century, an ecocentric approach was gradually incorporated, giving rise to a second generation of ecological constitutionalism grounded in paradigms related to democratic advancements and legal pluralism.

From Ecuador's 2008 Constitution to the Spanish Constitutional Court Judgment 142/2024, with its explicit references to ecocentrism, there are numerous constitutional references that define this second generation of ecological constitutionalism in legislation (e.g., Bolivia, Panama) and in jurisprudence (e.g., Colombia, Peru). This development reflects the construction of a democratic ecocentric ethic, the challenges of the climate and ecological crisis, and the need to rethink constitutionalism in light of planetary boundaries. The experiences have been diverse and plural, requiring comparison and evaluation.

This workshop is designed to explore what is meant by ecological constitutionalism, its values, principles, and limits, as well as the evolution of the Rights of Nature in comparative constitutionalism, both in Constitutions and constitutional jurisprudence. Particular attention will be given to the relationship between constitutional rights, the common good, and sustainability, along with contributions from currents such as eco-constitutionalism, Buen Vivir, and legal pluralism. The workshop will focus on analyzing how these paradigm-shifting legal changes are generating transformations in the care of nature and how different forms of ecological governance are evolving.

Workshop 155
ECOLOGICAL CONSTITUTIONALISM AND FINANCIAL AND TAX LAW: A STUDY ON THE CONSTITUTIONALIZATION OF ENVIRONMENTAL PROTECTION NORMS

Chairs:

- ***Renaud BOURGET***
- ***César Jasith SÁNCHEZ-MUÑOZ***

The principle formulated by economist Arthur Cecil Pigou regarding the taxation of energy—primarily for economic, but also environmental reasons—found a far more fruitful application starting in the 1990s. Based on the notion of "externality," Pigouvian theory teaches that when an agent is responsible for a negative external effect, the "social cost" borne by society is greater than the "private cost" borne by the polluting agent. To correct this market failure, Pigou advocated for state intervention so that, through environmental taxation, negative externalities could be internalized.

From the 1970s onwards, thanks to the work of the OECD and the European Union, the polluter-pays principle derived from Pigou's ideas—which manifests, among other forms, as an environmental tax—has been explicitly enshrined in numerous international agreements and eventually recognized in various Constitutions. Specifically, the constitutionalization of environmental law began when, following the impetus of the 1972 Stockholm Conference, Sweden in 1974, Portugal in 1976, and Spain in 1978, granted it constitutional status. The 1990s then witnessed the irresistible rise of constitutionalization, manifested in Austria (1984), Colombia (1991), Peru (1993), Argentina, Belgium, and Germany (1994), Finland (1994), Cameroon, Ghana (1996), and Mexico (1999).

The promotion of a value previously established by legislation to constitutional rank can, on the one hand, result from a decision of a constitutional judge, as occurred in Germany when the Karlsruhe Court recognized the precautionary principle, linking it to the right to life in Article 2 of the Basic Law. On the other hand, this promotion may result from a constitutional review that elevates a legislative principle to constitutional rank, as happened in France. Finally, this process can result from the constitutionalization of a principle previously enshrined in an international convention.

Thus, the process of constitutionalizing environmental protection norms—especially in their financial and tax dimensions—varies significantly depending on the State, its model of constitutional lawmaking, and its approach to constitutional justice. This workshop aims, using the comparative-legal method and Benvenutto Griziotti's integrative method, to establish a synthesis of diverse national experiences by examining the role of the environment in Constitutions and measuring the effective scope of this constitutional promotion.

Accordingly, the workshop seeks to answer the following questions: What is the content of financial constitutions regarding environmental protection? What is the contribution of constitutional judges? What are the trends in constitutional reforms? How does neoconstitutionalism examine financial and tax instruments for environmental protection? How are these instruments related to national constitutional cultures? How do parliaments adapt to the demands of constitutionalizing the polluter-pays principle across various legislative domains? The workshop is expected to include faculty and researchers from multiple countries, especially from the Americas and Latin Europe.

Workshop 156
Climate Emergency and Human Rights

Chairs:
- **Natalia Castro Niño** castro.nato@gmail.com
- **Juan Sebastián Villamil Rodríguez** juansevillamil@gmail.com
- **Silvia Romboli** silvia.romboli@esade.edu
- **Liliana Ávila** lavila@aida-americas.org
- **Ángela Aday Jiménez** angeladj@ucm.es

The climate emergency constitutes a decisive challenge for constitutional democracies and for the comprehensive protection of constitutional human rights. The planet's rising temperatures, driven by industrial activity, are already producing visible and tragic consequences for life on Earth, such as rising sea levels, with incalculable future damage if decisive measures are not taken.

Around the world, courts are being called upon to provide institutional responses to climate deterioration, aiming to prevent and mitigate the adverse effects of this phenomenon on fundamental rights. Recent advisory opinions on climate change issued by the Inter-American Court of Human Rights, the International Court of Justice, and the International Tribunal for the Law of the Sea illustrate how international judicial bodies are shaping an emerging legal framework regarding states' climate obligations.

This workshop invites submissions that analyze how these and other judicial remedies, as well as public and private participation mechanisms, are being used to confront the climate crisis and strengthen sustainable constitutionalism.

We welcome analyses on how constitutional and international courts are deploying innovative tools—such as structural rulings, advisory opinions, and jurisprudence on the rights of nature—to reinforce environmental and climate justice in both international law and comparative constitutional law. We also encourage work exploring the central role of rights to access information, participation, and justice, as well as the responsibilities of business actors in protecting human rights and the environment.

Papers may be submitted in English or Spanish and may address jurisprudence, theoretical frameworks, or institutional innovations that highlight the changing role of state and non-state actors in protecting environmental rights and responding to the climate emergency.

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Workshop 157
Climate Constitutionalism in Latin America: Recognition, Duties of Protection, and Judicial Guarantees for Regional Climate Justice

Chairs:

- **Oscar Darío Amaya Navas** oscard_amaya@hotmail.com
- **Ángela María Amaya Arias** Angela.amaya@uexternado.edu.co

Climate constitutionalism is a relatively recent legal field that has evolved from environmental constitutionalism. In Latin America, the significance of environmental protection and the perceived risks posed by the ecological crisis have driven public law to develop innovations such as the "Environmental Rule-of-Law State" or the "Ecological Constitutional State," designed to respond to one of the most vulnerable and diverse regions of the world. Climate constitutionalism in the region emerges from the need to address complex, interconnected, and transboundary environmental challenges inherent to the global climate crisis, which are acutely felt across Latin American territories.

This approach is built on the threefold dimension of Climate Change Law: the international, the national, and, crucially, the transnational. In the Latin American context, the transnational dimension is reinforced by the convergence of climate litigation, social movements, and regional dynamics, forming a constitutional body mutually influenced by shared experiences, jurisprudential innovation, and a rights-and-duties agenda that transcends borders.

The workshop will examine how contemporary Latin American constitutions are responding to these challenges through the development of new normative frameworks, the integration of state obligations regarding climate change, and the strengthening of judicial oversight mechanisms. It will explore experiences and challenges concerning the judicial enforcement of these frameworks and climate governance in the region, fostering dialogue between comparative perspectives and the interactions of different normative levels and social and state actors.

Thematic Axes of the Workshop (Recognition and Judicial Guarantee)

The content of the workshop is structured around three main axes that address the recognition of rights and their judicial enforcement, along with the challenge of institutional design.

Axis 1: Constitutional Recognition of the Climate Phenomenon and Conceptual Evolution

This axis focuses on the inclusion of climate change in Latin American constitutional texts and the legal nature of the resulting obligations:

- From the Ecological Constitution to Climate Constitutionalism
- Subjective Rights versus Duties of Protection
- Models of Recognition

Axis 2: Judicial Guarantee and the "Rights Turn"

This axis examines the fundamental role of the judiciary in the implementation and enforcement of climate norms:

- Climate Litigation and Human Rights
- Reinterpretation of Fundamental Rights
- The Right to Climate Stability
- Jurisprudence of Duties

Axis 3: Institutional Design and Normative Pluralism

This axis addresses how Latin American Climate Constitutionalism must go beyond focusing exclusively on courts and individual rights:

- Constitutional Function of Climate Governance
- Territory and Climate Governance
- Non-Judicial Mechanisms

Call for Abstracts

Submissions are invited that explore the relationship between Constitutional Law and Climate Change in the context of climate justice in Latin America.

Suggested Topics:

- Recognition of Climate Rights: Comparative analysis of constitutional clauses (existing or proposed) that explicitly mention climate change, climate stability, or adaptation.
- Constitutional Duties of Protection: Studies on the scope and applicability of fundamental protection duties in the context of climate change mitigation and adaptation.
- Strategic Climate Litigation: Evaluation of the "rights turn" in climate litigation, including the use of fundamental rights (life, dignity, health, environment) as a strategy to hold governments and private actors accountable.
- Climate Institutional Design: Proposals on how constitutions can establish robust institutional frameworks, including judicial and non-judicial mechanisms, to address the climate crisis while balancing democratic interests and technical expertise.
- Climate Justice and Vulnerability: Reflections on how Climate Constitutionalism addresses human rights impacts on vulnerable populations (indigenous peoples, environmentally displaced persons), including climate governance at the territorial level.

Workshop 158

Climate Change and Constitutional Sustainability: Towards a Global Convergence

Chairs:

- **Lorenzo Cuocolo** lorenzo.cuocolo@cuocolo.it
- **René Urueña** rf.uruena21@uniandes.edu.co

Climate change has become a decisive test for constitutional sustainability, revealing the need for courts to address whether insufficient climate action violates constitutional rights and State obligations. Also, it leads to an increasing use of and interest in participatory instruments in climate and environmental decision-making. The recent Klimaseniorinnen judgment by the European Court of Human Rights (2024) proves that inadequate measures can amount to breaches of fundamental rights such as life and health, while also interpreting the Paris Agreement as part of the normative context that informs States' positive obligations. Similarly, in its Advisory Opinion OC-32/25 (2025), the Inter-American Court of Human Rights recognized the right to a healthy climate as an enforceable human right, deciding that States must adopt preventive, mitigation, and adaptation measures consistent with international commitments. At the national level, constitutional courts have reinforced this judicial trend. The German Federal Constitutional Court in Neubauer (2021), the Constitutional Court of Korea in its Climate Law Case (2024), and the Colombian Supreme Court in Future Generations v. Ministry of the Environment (2018) have stated that weak or insufficient climate policies are incompatible with constitutional guarantees and fundamental rights. These rulings underscore that climate protection cannot be seen as just a matter of policy discretion, but as a constitutional and international obligation, enforceable through judicial review.

Furthermore, the increasingly intense climate and environmental crisis not only has prompted citizens to gather in movements and demonstrations, but also has led them to demand greater involvement in climate and environmental decisions. This situation has had a destabilizing impact on today's democratic societies, but it is not the only one. In fact, it is commonly accepted by scholarship that this phenomenon is embedded in a more general "crisis of democracy". This is not only evident in the numerous citizens' assemblies or conventions established in various European countries, both at national and sub-state level, to debate and propose solutions to the climate and environmental crisis, but also in experiences such as the Icelandic Constituent Assembly, those of the Andean countries and the constitutional reform assemblies, including those established in Ireland and France, as well as the most recent Conference on the Future of Europe. There are, however, cases, such as those of Ecuador and Bolivia, where the use of popular participation in environmental decisions is not a mere response to the "crisis of democracy", but reflects the worldview of indigenous peoples, which permeates their respective constitutional texts. Another interesting case is India, whose Constitution provides for "Panchayats", or village assemblies, as the third level of government of the Union, constitutionalizing Gandhi's idea of grassroots democracy starting from the villages. The workshop aims to explore these developments, both in terms of jurisprudence and participation, from a broad comparative perspective, analyzing how the constitutional systems of different regions Europe, Latin America, Asia and beyond – are responding to the crisis caused by climate change. This workshop proposal already counts on the participation of Rosa Iannaccone (University of Sassari), Davide Ragone (Sapienza University of Rome) and Thalia Viveros (Max Planck Institute for Comparative Public Law and International Law, Heidelberg). Further abstract proposals are welcome, that intersects the topic of the workshop and adopt a similar multi-faceted and multi-layered perspective.

Workshop 159
Constitutionalism in the Anthropocene: Justice, Governance, and the Climate Crisis

Chairs:

- **Marisol Anglés Hernández** mangles@posgrado.unam.mx
- **Oscar Rafael Hernández Meneses** 519007510@derecho.unam.mx

The crises we currently face—including biodiversity loss, pollution, and climate change—stem from patterns of economic and political development that have operated within state institutional frameworks. These challenges demand an ongoing dialogue between public international law and constitutional law to strengthen the capacity of legal systems to protect the environment and safeguard fundamental rights.

This scenario tests the foundations of constitutional law and calls for a rethinking of democratic governance mechanisms. The workshop will explore how constitutional states can reconfigure the distribution of power, incorporate planetary boundaries, and articulate principles of climate and intergenerational justice without sacrificing citizen participation or territorial equity.

Special attention will be given to the interaction with international law and the normative, institutional, and scientific transformations necessary to respond legitimately and effectively to the global ecological crisis.

Key Questions:

1. How does international law contribute to the evolution and strengthening of constitutional law for the protection of environmental human rights?
2. What challenges do constitutional systems face in harmonizing their obligations to guarantee rights of access to information, participation, and environmental justice with climate mitigation and adaptation policies?
3. How are vertical and horizontal powers redistributed within states to meet the demands of the climate crisis, and what role does intergenerational justice play in this redistribution?

4. What democratic controls are appropriate in the face of automated or regressive environmental decisions, and how can principles of climate justice be integrated into judicial and legislative interpretation?

5. What is the influence of constitutional law on the reformulation of international human rights law standards and norms—both substantive and procedural—related to climate justice?

6. How can artificial intelligence and other emerging technologies enhance legal research, transparency, and public dissemination of debates on constitutionalism, governance, and the climate crisis?

Workshop 160
Climate justice and democratic resilience

Chairs:

- ***Linnea Nordlander*** linnea.nordlander@jur.ku.dk
- ***Corina Heri*** c.heri@tilburguniversity.edu
- ***Edward Pérez*** edward.perez.23@ucl.ac.uk
- ***Stefanía Rainaldi*** s.f.rainaldi@qmul.ac.uk
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This workshop examines how notions of (inter- and intragenerational) climate justice relate and contribute to democratic resilience in Latin America and Europe. Both the European Court of Human Rights (ECtHR) and the Inter-American Court of Human Rights (IACtHR) recently issued milestone legal guidance on climate change. Despite differences in how the two courts approached issues of equity and democratic participation, these topics played an important role both in the IACtHR's Advisory Opinion No. 32 on the climate emergency and human rights and the ECtHR's Verein KlimaSeniorinnen Schweiz and Others v Switzerland judgment. The present workshop invites papers examining the recent climate findings of both courts, whether on their own or comparatively, engaging with how they relate to the resilience of democratic principles, participation and institutions. We especially welcome papers that analyze regional differences and similarities between Latin America and Europe in the development and application of intergenerational climate justice principles. This includes papers that engage with Third World Approaches to International Law (TWAIL) and the Southern Turn in international legal scholarship to critically assess how Global South perspectives, particularly the lived experiences of marginalized communities, shape the conceptualization of intergenerational justice in Latin America – and its relationship with democracy and democratic resilience. We also encourage papers engaging with Indigenous peoples' rights, environmental human rights defenders, the intersectionality of vulnerabilities, and poverty in framing climate justice narratives.

- We particularly invite submissions concerned with the following questions:

● What risks for democratic resilience arise in the climate crisis, and to what extent have the ECtHR and IACtHR engaged with these risks?

● What is the potential for inter- and intragenerational climate justice to address structural inequalities and promote long-term environmental and social stability in these regions?

● To what extent can safeguarding the rights of younger and future generations strengthen democratic institutions and principles and foster more inclusive and sustainable governance concerning transformative constitutionalism?

● What differences arise between the underlying regional legal cultures surrounding human rights in Europe and Latin America, including the IACtHR's established track record on Indigenous rights and its presumed progressiveness, and the ECtHR's deferential, procedural proclivities?

● What opportunities can a more textured comparative understanding of the systems concerned and the realities of each system's evolving and systematic interpretation bring to our understanding of democratic resilience?

Workshop 161
Ecological Constitutionalism and Environmental Democracy: Implementation Challenges of the Escazú Agreement in Latin America

Chairs:

- **Lina Muñoz Ávila** lina.munoz@urosario.edu.co

This workshop proposes a plural, interdisciplinary, and regional discussion on the role of sustainable constitutionalism in addressing the current challenges of the climate crisis, environmental protection, and citizen participation. Based on the Regional Agreement on Access to Information, Public Participation, and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), it seeks to analyze the transformations this instrument has already generated (and could further generate) in national constitutional systems, particularly regarding the principles of transparency, participatory democracy, and the primacy of human rights.

Seven years after its adoption, and with several countries having incorporated it into their domestic legislation, the Escazú Agreement represents a renewal of traditional constitutionalism by introducing substantive and procedural dimensions that require States to guarantee real conditions for the effective exercise of procedural environmental rights. This renewal aligns with the concept of sustainable constitutionalism, which promotes a legal and institutional framework capable of ensuring a dignified life for present and future generations through the protection of nature, the strengthening of democracy, and the reduction of structural inequalities.

This call invites papers that explore, among others, the following thematic areas:

- Constitutional reception of the Escazú Agreement in national legal systems.
- Constitutional jurisprudence on rights of access, the right to a healthy environment and climate, and the right to defend rights.

- The role of constitutional courts in protecting environmental human rights defenders.
- Constitutional mechanisms for public environmental participation (including prior consultations and/or judicial actions, among others).
- Constitutional-based environmental litigation with a human rights approach.
- Tensions between extractive development models and the principles of ecological constitutionalism.
- Intersectional approaches to environmental protection from the perspective of the Constitution.

We welcome doctrinal, empirical, comparative, or critical papers that contribute to enriching the regional debate on how the Escazú Agreement can strengthen the implementation of a constitutionalism that is sensitive to the planet's ecological limits, committed to environmental justice, and rooted in the territorial realities of Latin America.

Workshop 162
Constitutional Democracy in Latin America Under Pressure

Chairs:

- **Christian Viera Álvarez** christian.viera@uv.cl
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- **Diego Pardo Álvarez** *diego.pardo@uai.cl*
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In Latin America, since our emancipations, crises have been constant companions, and on many occasions, they have resulted in violent and fratricidal conflicts. Today, it seems that we are facing a crisis of the political regime, particularly of democracy. But does this moment have any particularity that has not been experienced before? Does it have special magnitude, or is it a characteristic of our latitudes to live with instability? Answering this question requires considering that the political reality of our region is not homogeneous, yet there are some shared elements that help explain, at least in part, the systemic instability of the region.

For starters, we are characterized by a more or less strong presidential system. On this matter, Gargarella has pointed out that one of Latin America's difficulties lies in the "engine room," that is, in the way power is organized.

If these institutional difficulties are acknowledged, one could argue, as Madison did in the early days of constitutionalism, that the proper functioning of institutions cannot rely on the virtue or angelic character of their members. On the contrary, "the test of a good institutional system was that it could function acceptably even if public offices were occupied by 'demons.'"

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What matters is the institutionality itself, which endures over time and transcends the individuals who occupy office. And this idea, so basic and commonsensical, is not so self-evident today. In various places, we are observing how certain practices are undermining institutions. If this phenomenon continues, it could entail a high democratic cost, damaging the fundamental rules of the rule of law and the distribution of functions in the exercise of state power.

Workshop 163
The Crisis of the Presidential System of Government in Latin America

Chairs:

• **Heber Joel Campos** hcampos@pucp.pe

Presidentialism has its origins in the Philadelphia Constitution of 1787. From there, it has served as a point of reference for most Latin American republics that gained their independence in the early 19th century. However, its functioning and dynamics often diverge—sometimes significantly—from those of its original model. Latin American presidentialism, therefore, has developed into a distinct model, taking on various forms. On one hand, it appears as hyper-presidentialism—as is the case, for example, in countries like Argentina, Ecuador, or Colombia—while in others, it manifests as weak presidentialism, where the president is subject to strict controls not only by the Legislative Branch but also by the Judiciary or other autonomous constitutional bodies. In fact, in some countries (such as Peru, for example), presidentialism can adopt either identity depending on the balance of forces within Congress, giving rise to a kind of hybrid presidentialism in which divided government is a defining feature.

This workshop will examine the defining characteristics of Latin American presidentialism, addressing its main vicissitudes and challenges. It will analyze how its principal institutions function and the ways in which they interact with the historical trajectories and experiences of the region's different countries. The workshop will also explore long-standing reform initiatives aimed at addressing the specific problems associated with this distinctive system of government.

Workshop 164
Latin American presidential systems beyond hyper-presidentialism

Chairs:
- **Luiz Arcaro Conci** lgaconci@pucsp.br
- **Sebastian Soto Velasco** jssoto@uc.cl

The workshop aims to discuss Latin American presidentialism using a comparative methodology, with the intention of analysing it beyond what has been defined as "hyperpresidentialism." This is because it is believed that presidential systems in Latin America are characterised by other elements besides the expansion of presidential powers and, on the other hand, no longer reproduce a model identical to that described, especially in the phase of democratic transitions that took place from the late 1970s onwards.

As a result, there are other issues, such as party systems prone to fragmentation and party coalitions, electoral systems in transformation, issues of national and international governance, the relationship between the government and Congress, the role of the judiciary, among other topics. The workshop brings together members of REDDI (Network for Studies on Democracy, Rights and Institutions). It aims to engage in dialogue with other participants interested in the proposed topics or others that may also add new perspectives on Latin American presidential systems.

Workshop 165
Sustainable Constitutionalism and the Role of the Inter-American System: Fundamental Rights and Guarantees in a Changing World

Chairs:
- **Nahuel Agustín Bento** nahuelagustin7@gmail.com
- **Federico Abalos** abalosfederico@gmail.com

This workshop proposes a space for critical reflection and academic dialogue on the contribution of the Inter-American Human Rights System to the consolidation of sustainable constitutionalism, with an emphasis on the effective protection of fundamental rights and guarantees in the face of the challenges confronting contemporary democracies amid institutional transformation, legitimacy crises, and global change.

The Inter-American System has developed robust standards regarding due process, access to justice, the right to defense, and the control of conventionality, which directly impact national legal systems. Within this framework, procedural law emerges as an essential tool for the practical application of these standards, establishing the normative and institutional conditions that enable or hinder the real exercise of rights and guarantees.

One of the most significant developments in Inter-American jurisprudence is the recognition of the right to appeal a judgment as a fundamental guarantee for the accused, enshrined in Article 8.2.h of the American Convention on Human Rights. The domestic reception of this right, as well as its interpretation in accordance with Inter-American standards, serves as an indicator of States’ commitment to constitutional justice and the rule of law.

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This workshop invites participants to examine the experiences of different States parties to the American Convention in the domestic implementation of international standards. It will also reflect on the role of judicial operators and local authorities in the effective application of rights and guarantees, through the exercise of control of conventionality and the articulation between domestic law and international law. The proposal aims to foster exchange among scholars, professionals, judges, prosecutors, and defenders, in order to reflect upon and build best practices to strengthen the effectiveness of human rights from a protection-oriented perspective in a changing world.

Debate on the role of the Inter-American System is crucial for consolidating a legal culture guided by rights and guarantees, compatible with a constitutionalism committed to democracy, dignity, and institutional sustainability.

We invite submissions addressing the following topics:

- The role of the Inter-American System in relation to fundamental rights and guarantees.
- The right to appeal a judgment as an international due process standard.
- Control of conventionality as a tool for local application of treaties.
- Procedural law as a constitutional guarantee in the Latin American context.
- Constitution, treaties, and institutional sustainability.
- Tensions between domestic law and international human rights law.
- Experiences of normative harmonization between national legislation and Inter-American standards.
- Innovative judicial practices in the reception of Inter-American jurisprudence.
- Judicial training and a legal culture guided by human rights.
- The role of local authorities in the implementation of international obligations.

Workshop 166
CONSTITUTIONAL RESTRICTIONS ON HUMAN RIGHTS IN LATIN AMERICA: TENSIONS BETWEEN SOVEREIGNTY AND CONVENTIONALITY

Chairs:

- **Marina del Pilar Olmeda García** marina_o@uabc.edu.mx
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- **René Ibraham Cardona Picón** cardona.rene@uabc.edu.mx

In Latin America, constitutional texts establish various forms of restriction on human rights, many of them linked to the preservation of public order, morality, national security, or states of emergency. While these limitations aim to safeguard legitimate collective interests, they raise significant questions about their compatibility with international protection standards, particularly Article 30 of the American Convention on Human Rights.

This panel seeks to critically examine how such restrictions are formulated across the different constitutional systems in the region, identifying both structural similarities and divergences. The discussion will address the risks posed by the use of open or ambiguous clauses, as well as the consequences that may arise from an expansive application of states of emergency, where the line between legitimate necessity and governmental arbitrariness becomes blurred.

At the same time, the panel will highlight the role of conventionality control as an essential tool to ensure that constitutional sovereignty does not become an obstacle to the full respect of human dignity. Presenters will outline guidelines aimed at strengthening normative coherence, consolidating judicial criteria to prevent abuses in the limitation of rights, and promoting a constitutional model in which the principles of legality, compelling purpose, necessity, and strict proportionality serve as fundamental guides.

In this way, the panel aspires to create a space for plural reflection that contributes to rethinking the relationship between sovereignty and fundamental rights, while laying the foundations for a regional legal culture in which democratic legitimacy is never used to justify arbitrariness.

Workshop 167
The Inter-American Human Rights System and Conventionality Control: Challenges for Democracy and Rights in Latin America

Chairs:

- **Mónica Andrea Anis** profesoramonicaanis@gmail.com
- **Rodrigo Brito Melgarejo** rbritom@derecho.unam.mx
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The Inter-American Human Rights System has consolidated itself as a fundamental axis for linking international commitments with domestic law in the region's states. However, in recent years, increasing tensions have emerged: the militarization of public security, challenges to judicial independence, restrictive migration policies, and justice reforms limiting procedural guarantees have tested the strength and effectiveness of the Inter-American Court of Human Rights' (IACHR) rulings and advisory opinions.

One of the central dilemmas is the tension between state sovereignty and the binding nature of the IACHR's decisions. While some national courts and constitutions have moved toward a robust "block of conventionality," other political actors have questioned the legitimacy of the Inter-American system under the argument of preserving constitutional sovereignty. This debate is key to assessing the real scope of conventionality control and its capacity to consolidate democracies that respect human rights.

This workshop seeks to reflect on the Inter-American experience as a regional laboratory to understand the limits and reach of conventionality control, as well as its ability to strengthen human rights protection and constitutional democracy in contexts of political polarization.

Objectives:

- Analyze the evolution and application of conventionality control in Latin America.
- Examine tensions between recent constitutional reforms and international human rights standards.
- Identify best practices and risks in the relationship between national courts and the IACHR.
- Assess the scope and limits of conventionality control in relation to state sovereignty and constitutional supremacy in Latin America.
- Formulate comparative proposals to strengthen dialogue between constitutional justice and the Inter-American System.
- Analyze the role of the Inter-American System in protecting the rights of migrants, asylum seekers, and refugees, with special attention to children and adolescents in contexts of mobility.

Thematic Axes:

- IACHR rulings and opinions: reception, resistance, and effects.
- Militarization of security and conventionality: security or structural violation of rights?
- Judicial independence and the block of conventionality: advances and setbacks.
- Migration and human mobility: Inter-American standards for rights protection against restrictive policies.
- State sovereignty and conventionality: conflict or dialogue between the Constitution and the Inter-American System?
- Constitutional democracy and conventionality control: toward a more robust model.

Workshop 168
Constitutionality, Conventionality, and the Right to Democracy

Chairs:

- **Jesús María Casal Hernández** jcasal@ucab.edu.ve
- **Daniela Urosa Maggi** urosa@bc.edu

Democracy and its essential attributes have undergone a profound evolution. The concept has shifted from understanding democracy merely as a form of government based on popular sovereignty and suffrage—or other mechanisms of participation—to the notion of constitutional or conventional democracy, in which the rule of law and human rights are also considered inherent and necessary components of a democratic system.

In parallel, safeguards for the democratic order have likewise advanced, not only established within domestic constitutional frameworks but also within supranational and international regimes. In the inter-American sphere, key instruments have included the Charter of the Organization of American States (OAS), with its reforms, the American Declaration of the Rights and Duties of Man, and, subsequently, the Inter-American Democratic Charter.

The inseparable link between democracy, the rule of law, and human rights is conceived as a fundamental standard of the Inter-American Human Rights System and, if one may say, the very foundation of common Latin American constitutional law. The Inter-American Court of Human Rights has progressively delineated the scope of this triad—democracy, rule of law, and human rights—which has also given rise to the recent request for an advisory opinion submitted by Guatemala to the Court to determine whether democracy should be protected as a human right or as a political system in which human rights can be realized.

It is pertinent to analyze whether democracy is not only a general principle but also an individual and collective right grounded in the American Convention on Human Rights (ACHR), the Inter-American Democratic Charter, and other instruments; and, if so, what its scope, main attributes, and the obligations it generates for states in terms of respect, guarantee, and protection are.

The purpose of this panel is to examine the scope of the right to democracy as a human right within the framework of the Inter-American Human Rights System, with a particular focus on its justiciability and guarantee both in the constitutional and conventional spheres. The panel will address the right to democracy, paying special attention to inseparable issues such as judicial independence, the right to vote and political participation, freedom of expression and association, the protection of vulnerable groups, the role of civil society, and the climate crisis, and their constitutional and conventional treatment. Particular consideration will be given to situations of democratic deterioration, erosion, or dismantling, in order to propose possible responses to safeguard the right to democracy.

Workshop 169
CONVENTIONALITY CONTROL: TENSIONS AND COUNTERPOINTS 20 YEARS AFTER ITS INCORPORATION INTO THE INTER-AMERICAN HUMAN RIGHTS SYSTEM

Chairs:
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- **Elodia Almirón Prujel** prujel@hotmail.com

The origin of the doctrine of conventionality control is closely linked to constitutional review. The first person to use the term within the Inter-American Human Rights System (IAHRS) relied on the concept of constitutional review. This doctrine is understood by the Inter-American Court of Human Rights (IACtHR) as an institution designed to apply International Law, particularly International Human Rights Law (IHRL)—specifically, the American Convention, its sources, and the Court's own jurisprudence—as an obligation of every branch, body, or public authority of a State Party to the American Convention, acting within the scope of their respective competencies and applicable procedural rules, with the purpose of ensuring that the rights of persons under their jurisdiction are respected and guaranteed.

Nearly 20 years after the creation of the doctrine of conventionality control, it seems timely, within the framework of this Congress, to reflect on its capacity to dismantle the structures of inequality present in the Latin American region, even altering the distribution of power established by the State's Political Constitution and the role of the Region's High Courts of Justice in fulfilling this objective.

Consequently, we welcome papers that allow us to reflect—preferably, though not exhaustively—on the following questions:

1. Is conventionality control effective in dismantling structural inequality in the region?
2. Is conventionality control a limitation on State sovereignty that exceeds the faculties of the Inter-American Court of Human Rights?
3. Is conventionality control an institution without conventional basis used to interfere in the internal affairs of States Parties to the American Convention?
4. Should bodies whose constitutional function is to issue domestic norms—constitutional and legal—exercise effective conventionality control?
5. Is there an effective application of conventionality control by the Region's High Courts?
6. Are the courts of justice the guarantors of the exercise of conventionality control?

This Workshop is intended to promote an open debate on the effectiveness of the IAHRS and as part of the celebration of the 20th anniversary of this doctrine, to be marked in 2026. It will also allow us to pay tribute to former IACtHR Judge Sergio García Ramírez.

Workshop 170
The Decisions of the Inter-American Human Rights System and Their Interaction with the Region's Constitutional Systems

Chairs:

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This panel proposes to explore the ways in which decisions of the Inter-American Court and the Inter-American Commission on Human Rights engage in dialogue with, influence, and at times come into tension with the constitutional systems of States in the region. The objective is to analyze how constitutional courts and supreme courts, executive authorities, and also members of the legislative branch receive, interpret, and apply Inter-American jurisprudence on issues such as political rights, freedom of expression, access to justice, equality and non-discrimination, social and collective rights, the environment, and the climate emergency.

Likewise, the panel seeks to discuss the dynamics of resistance, appropriation, and harmonization that emerge from this judicial dialogue, and to reflect on its impact on the protection of human rights and the quality of democracy in Latin America. We invite proposals addressing concrete cases, comparative analyses, or theoretical frameworks on the interaction between constitutional law and Inter-American law.

Workshop 171
Decoloniality and Transformative Constitutionalism in Latin America

Chairs:

- ***Enrique Prieto-Rios*** enrique.prieto@urosario.edu.co
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Despite the clear resonances between the epistemological critique of dominant legal thought and the epistemological agenda of transformative constitutionalism, there has been relatively little interconnection between the two discussions. This panel seeks to foster that dialogue by situating the epistemological frameworks of transformative constitutionalism within the broader historical context of the movement and imposition of "modern," "liberal," and "Western" legal categories across time and space, particularly in the Global South.

The panel proposes a conversation about the decolonial possibilities of law in general and, more specifically, of transformative constitutionalism. Taking the critique of Eurocentrism as a starting point—rather than an end point—we highlight the role of communities of practice in reimagining a decolonial legal order. We argue that these communities actively challenge and reshape dominant legal structures "from below," using the languages of transformative constitutionalism, international law, and comparative public law (including their histories) to build a more just and inclusive international order.

Thus, the panel invites a dialogue that explores, among others, some of the following questions:

- What spaces, strategies, and resources can be found within transformative constitutionalism to address and dismantle the colonial legacies embedded in public law, both nationally and internationally?
- In what ways can transformative constitutionalism be reimagined and developed by incorporating critiques of colonial epistemologies and knowledge production?
- How do transformative constitutionalism and alternative legal traditions—including Indigenous, Afro-descendant, and other plural normative systems—interrelate and reshape one another?
- What role do social movements and grassroots activism play in advancing decolonial legal frameworks, and how do they interact with formal legal structures?
- How can legal education and pedagogy be restructured to move beyond Eurocentric narratives and incorporate decolonial methodologies?
- What comparative lessons can be drawn from different regions of the Global South regarding the practical implementation of transformative constitutionalism as a decolonial legal framework?

Workshop 172
COMMON PATTERNS IN THE PERSISTENCE OF AUTHORITARIANISM AND RESPONSES FROM THE IUS CONSTITUTIONALE COMMUNE IN LATIN AMERICA (ICCAL)

Chairs:

- **Mariela Morales Antoniazzi** morales@mpil.de
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According to the latest Democracy Index by The Economist (2024), only 25 regimes out of 167 (15%) are considered full democracies. In contrast, 35.9% of all countries are classified as authoritarian regimes, which means that 39.2% of the world's population lives in an autocratic society. In the Americas, only Canada, Uruguay, and Costa Rica fall within the group of full democracies, while a considerable number of States are either authoritarian regimes (Cuba, Venezuela, Nicaragua) or hybrid systems (Paraguay, Peru, Mexico, Ecuador, El Salvador, Guatemala, and Bolivia).

What are the common patterns across authoritarian systems? Which measures are repeated time and again? Is it possible to identify these patterns as mechanisms for the persistence of authoritarianism?

Analyzing these points will allow us to delve into the measures common to these legal systems, adopted as forms of resistance against regional democratic safeguards. From the perspective of the Ius Constitutionale Commune in Latin America (ICCAL), examining these dynamics is essential not only to highlight the contrast between such actions and the protection of the rule of law, human rights, and democracy, but also to anticipate and generate alerts that help contain the development of these systems and confront the advance of authoritarianism.

This Workshop will present an analysis of some of the most common measures found in authoritarian regimes, focusing on Latin America but including international comparisons, and will address the question of how to halt these trends in defense of democracy and in rejection of authoritarianism.

Workshop 173
A Latin American Constitution: Utopia or Necessity?

Chairs:

- **CIELO E. RUSINQUE URREGO**

The Constitution, understood as the fundamental pact of a society in which a system of legal-political organization is embedded—whose dogmatic content and institutional architecture determine the mechanisms for controlling the various existing powers—was built in the West after the Second World War on the principle of human dignity and the guarantee of fundamental rights as insurmountable limits, with its scope of application confined to Nation-States.

However, the challenges of a globalized world in which transnational powers often escape the control of the Nation-State, together with the need to create new balances in the world order, led after the Cold War to the rapid development of supranational and regional institutions, among them the Inter-American system. Likewise, a series of international treaties have sought to institutionalize political relations with integrationist aspirations that have gradually outlined long-term pathways for cooperation, within a framework of international legal principles that have drawn upon the constitutional legal culture of neighboring countries with shared realities and common challenges.

The near-generalized crisis of Western democratic systems in the 21st century—driven by global issues such as the concentration of wealth, climate change, and the unsustainability of an extractivist development model based on the over-exploitation of natural resources, along with the inability to advance toward achieving the UN Sustainable Development Goals—reveals the inefficacy of existing institutions, the weakness of the international legal-political system, and the inability of Nation-States to generate even minimal balances capable of making human life viable under conditions of harmony and well-being.

This situation, combined with the uncertainty generated by the open arbitrariness adopted by the current government of the United States—which threatens to dismantle the few checks and balances created since the post–Second World War era through adherence to rules established by international bodies such as the UN and the OAS—and, on the other hand, the strengthening of new centers of development and integration such as the BRICS Plus, points to a reality that could be understood as a supranational constituent moment of regional scope.

Since the 1950s, Latin America has witnessed as many economic and political integration initiatives as failures. The lack of political will that transcends regional contingencies has prevented the realization of Latin American unity, despite being an objective expressed in many of the region's Political Constitutions and despite the fact that it is perhaps the most culturally, socially, politically, legally, and economically homogeneous subcontinent. Constitutional scholarship has produced extensive comparative studies demonstrating the existence of a Latin American Constitutionalism. Might the time have come to consider a Constitution for Latin America, within a cosmopolitan horizon?

Workshop 174
Transformative Constitutionalism & the Global Economy: Tensions, Synergies, Strategies

Chairs:

- **Rene Urueña** rf.uruena21@uniandes.edu.co
- **Armin von Bogdandy** sekreavb@mpil.de
- **Aminta Ossom** aossom@law.harvard.edu

This panel explores how Latin America's project of transformative constitutionalism— rooted in a commitment to social inclusion, human rights, the rule of law, and democracy—interacts with the legal architecture of the global economy. International trade and investment regimes, intellectual property rules, monetary and financial frameworks, and transnational corporate governance can both constrain and enable the achievement of transformative constitutionalism's goals. Crucially, extractivism and its legacies loom large in this dialogue. Resource-dependent economies in Latin America highlight the entanglement of global capitalism, environmental degradation, and Indigenous dispossession. Moreover, the current run towards protectionism and the weaponization of economic tools to achieve geopolitical goals pose increasing challenges to the rule of law and the realization of human rights – particularly in Latin America. In that context, out aim is to translate that diagnosis into a focused conversation on doctrinal tools, institutional pathways, and explore potential shared vocabularies that align economic governance with transformative constitutionalism, and the limits of that alignment. We invite a dialogue that surfaces underlying assumptions, proposes common terminology, and identifies institutional practices—within national courts, administrative bodies, and the Inter-American system—through which constitutional commitments can inform economic governance in these challenging times, and vice versa.

Among many others, we invite interventions along the following guiding questions:

1. Diagnosis: Through what doctrinal and conceptual channels and institutional sites do international economic law and related domestic economic instruments shape or impede transformative constitutionalism in Latin America (e.g., trade, investment, IP, IFIs, monetary and tax policy, supply chains, digital regulation)? Which patterns of tension and synergy are most salient?

2. Design & strategy: What interpretive techniques, constitutional review practices, institutional reforms, or regulatory redesigns can align economic governance with commitments to inclusion, equality, environmental protection, and Indigenous rights? How can the Latin America's transformative mindset react to the increasing weaponization of economic tools targeting the region?

3. Epistemic bridges: How can courts, regulators, civil society, and scholars build shared vocabularies and metrics that allow transformative constitutionalism and international economic law, widely understood, to speak to one another productively in litigation, policymaking, and transnational standard-setting?

4. Transforming extractive legacies: What role can (and should) transformative constitutionalism play in re-imagining global structures of global extractivism (including digital extractivism), challenging dependency, and advancing alternative models of development?

Workshop 175
Progressivity and the Protection of Fundamental Social Rights: Challenges for Latin American Transformative Constitutionalism

Chairs:

- **Elena Alvites Alvites** ealvites@pucp.edu.pe
- **Mônia Hennig** moniah@unisc.br
- **Jorge León Vásquez** jorge.leon@pucp.edu.pe
- **Julia Romero Herrera** jromeroh@pucp.edu.pe

Latin America continues to be the most unequal region on the planet, and this reality is reflected in the limited access to and fulfillment of services directly linked to fundamental social rights—such as the right to health, the right to education, the right to food, and even the “new right” to care. These rights are especially important for reducing structural inequality and protecting groups in situations of vulnerability.

This situation of inequality persists despite the fact that most Latin American constitutions define the State as a social and democratic state governed by the rule of law, and have expressly recognized social rights as fundamental rights. It is undeniable that such normative recognition has enabled various constitutional courts and tribunals to fulfill their protective role in concrete cases concerning these rights. Through their rulings—including structural and dialogic decisions—they have strengthened Latin American social constitutionalism, whose first milestone was the 1917 Constitution of Querétaro and which today is framed as an inclusive and transformative constitutionalism.

However, questions remain: How transformative has Latin American social constitutionalism truly been in addressing the region's—and the world's—deep inequalities? To what extent are the essential components of availability, accessibility, quality, and adaptability—characteristic of fundamental social rights—being fulfilled? And, above all, what proposals must we advance to ensure that transformative change—and the full realization of these rights—supports the work of constitutional courts and tribunals, thereby giving full effect to the principle of progressivity in the field of social rights? This workshop invites submissions that examine and propose constitutional scenarios aimed at advancing the full realization of fundamental social rights and fulfilling the promise of a social and democratic state under the rule of law.

Accordingly, we welcome proposals that reflect—also drawing on comparative perspectives—on topics such as: What specific guarantees should institutional and normative frameworks regulating social rights (health, education, care, pensions, food, etc.) include? Is it possible to establish autonomous constitutional bodies to regulate and oversee the fulfillment of rights such as health or education? How much could the participation of rights-holders in public policy or in the delivery of social services (status activus processualis) contribute? What is the relationship between the levels of fulfillment of social rights, structural discrimination, and the protection of vulnerable groups?

This panel will also reflect on how to ensure that social public policies are grounded in the elements comprising the scope of protection of social rights, and whether additional financial guarantees must be incorporated into constitutions to advance their protection. Likewise, it will be important to analyze the transformative role of constitutional courts and tribunals arising from the judicialization of social rights—taking into account the types of rulings and the relationships they establish between these constitutional bodies and the other branches of the constitutional state.

Workshop 176
Transformative Approaches to Constitutional Interpretation for the Protection of Subjects of Special Constitutional Protection

Chairs:

- **Marisela Mena Valencia** marisela.mena@est.uexternado.edu.co
- **Audrey Karina Mena** amena@ilex.com.co
- **Luís Elvin Rentería** l_renteria@javeriana.edu.co
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This workshop proposes to debate, from both a comparative and context-sensitive perspective, how constitutional interpretation can serve as a mechanism of enhanced protection for subjects of special constitutional protection, particularly Afro-descendant persons and communities. We begin from the premise that traditional constitutional doctrine has been insufficient to guarantee the rights of historically discriminated groups, as it often reproduces epistemic blind spots and merely symbolic remedies. In response to this reality, an interpretive canon is required—one that incorporates evidence of structural racialization, intersectional inequalities, and urgent environmental demands—so that judicial rulings not only declare rights but effectively transform lived realities.

The workshop is structured around five axes of analysis. The first examines the effectiveness of judicial orders in relation to their doctrinal design. Constitutional case law reveals tensions between decisions with high declaratory content and those that include verifiable targets, timelines, and compliance indicators. The discussion will address which types of orders have demonstrated greater capacity to materialize rights and how monitoring standards can be strengthened.

The second axis advances the need for an antiracist and intersectional interpretive canon. This approach seeks to correct normative biases and recognize the specificity of harms produced by structural racial discrimination. The proposal examines how to articulate criteria for argumentation, evidence, and the design of transformative remedies without sacrificing legal certainty or democratic deliberation.

A third axis analyzes the remediation of normative discrimination. It contrasts unilateral and cooperative models of correction, as well as the institutional conditions necessary to avoid inertia and prevent the weakening of remedial measures. This section focuses on how to design effective dialogues among the Court, Congress, state agencies, and communities.

The fourth axis addresses the ethics of artificial intelligence in the constitutional realm.

The use of automated technologies in judicial processes entails risks of bias, opacity, and exclusion. Safeguards such as meaningful human control, algorithmic audits, evidentiary traceability, and equality tests will be discussed, with the aim of preventing regressive impacts on the rights of vulnerable groups.

Lastly, the fifth axis situates climate constitutionalism as an emerging field. The environmental crisis makes it necessary to incorporate climate justice criteria into structural remedies, especially for ethnic communities located in highly vulnerable territories. Mechanisms such as prior consultation, adaptation financing, attention to loss and damage, and effective participation in the energy transition will be explored.

This workshop engages with the Congress's theme, "Sustainable Constitutionalism:

Responses for a Changing World," by offering theoretical and practical tools to close implementation gaps, strengthen checks on power, and reorient constitutional remedies toward measurable outcomes in the lives of those who require the greatest protection.

We welcome contributions that examine:

- Effectiveness vs. doctrinal design in high-court orders (structure, monitoring, verifiability, territorial focus).
- Antiracist and intersectional approaches as principles of constitutional interpretation and adjudication.
- Remediation of normative discrimination: opportunities, inertia, and risks of institutional weakening.
- Ethics of artificial intelligence in the constitutional sphere: data, bias, and standards for equality and due process.
- Climate constitutionalism and environmental justice: safeguards for subjects of special protection in NDCs, adaptation, energy transition, and participatory governance.

Guiding Axes and Questions

1. Which designs of judicial orders (result-based, mixed-means, with timelines and indicators) have demonstrated the greatest effectiveness?
2. How can an antiracist/intersectional interpretive canon be operationalized without sacrificing legal certainty and democratic deliberation?
3. Which models of institutional dialogue—Court–Congress–agencies–communities—reduce inertia and avoid symbolic remedies?
4. What limits and safeguards should be required for the use of AI in constitutional justice to prevent bias and opacity?
5. How can climate justice and collective rights be integrated into structural remedies (participation, FPIC, financing, loss and damage)?

Workshop 177
Due Process of Law in Latin American Constitutional Courts

Chairs:

- **Eliana Franco Neme** elanafranconeme@usp.br
- **Giorgio Alessandro Tomelin** gtomelin@gtomelin.com

The guarantee of due process of law is a fundamental pillar of constitutionalism and a prerequisite for the effective protection of rights and democratic institutions. In Latin America, constitutional courts have developed distinct doctrines and practices to safeguard due process in cases involving fundamental rights, political conflicts, and institutional disputes. Nevertheless, important challenges remain, including the scope of procedural guarantees, the balance between efficiency and fairness, and the influence of political pressures on judicial procedure. This workshop invites papers that examine how due process of law is understood, applied, and challenged in Latin American constitutional courts. Possible topics include: Constitutional design and procedural guarantees in constitutional adjudication. Due process in politically sensitive cases (impeachments, electoral disputes, states of emergency). Comparative analyses of procedural rights before constitutional courts in Latin America and other regions. Case studies on how due process standards have shaped landmark constitutional rulings. Theoretical and interdisciplinary perspectives on the relationship between due process, legitimacy, and democracy. We welcome both theoretical and empirical contributions, as well as interdisciplinary approaches from law, political science, and related fields. The workshop will remain open to receive abstracts during the second round of the call for abstracts (November 11, 2025 – January 8, 2026)

Workshop 178
Civil Law in a Changing World: Reflections on Transformative Constitutionalism

Chairs:
- **Carlos Alberto Chinchilla Imbett** carlos.chinchilla@uexternado.edu.cot
- **Édgar Cortés Moncayo** Edgar.cortes@uexternado.edu.co

The transformation of the political and social reality of Latin America—aimed at creating the social and political conditions necessary to make democracy, the rule of law, and fundamental rights effective—requires a new reading of civil law institutions. Indeed, such a reading demands forcefully highlighting the connection between the Constitution and the Civil Code, as this allows us to interpret the classical categories of civil law in light of the Constitution, with the goal of determining whether there is a new essence, structure, and protection of rights-bearing subjects, family relations, private property, contracts, and civil liability.

Civil law, understood through a constitutional lens, must respond to the needs of environmental and ecosystem protection; place human dignity at the center of its normative architecture; and uphold equality as a foundational pillar of legal reflection within the framework of the market economy. It must support women in their struggle for their rights by eliminating historical barriers, understand contractual and economic relations with the sensitivity required by fundamental rights, and ensure respect for liberty as an essential component of citizenship.

WORLD CONGRESS OF CONSTITUTIONAL LAW 2026

Workshop 179
Deliberative constitutionalism and depolarization: making post-conflict constitutions stick

Chairs:
- **Nico Steyler** nsteytler@uwc.ac.za
- **Elisabeth Alber** ealber@eurac.edu

This workshop discusses three interlinked issues. It explores how to devise federal or similar arrangements that purposefully promote post-conflict depolarization. It assesses whether and how deliberative democracy can be useful – specifically when, to what extent, and under which conditions. It examines whether organized civil society sectors that coordinate interestbased decisions at the national level can foster depolarization and cultivate a "federal spirit" that supports the effective operation of shared-rule institutions and processes.

It does so against the backdrop that territorial arrangements are often seen as a peace-making device for countries enmeshed in civil war or violent conflict and identity-based divisions. In so-called 'post-conflict federalism', the classic goals of federalism – protecting against national tyranny, deepening democracy, achieving great efficiency – are replaced with the immediate concern of securing peace or preventing secession.

However, there are numerous examples where federal arrangements have failed in this endeavour. In the Horn of Africa federalism has ostensibly been embraced as a peace-making device but has not achieved its goal. The same goes for parts of Southeast Asia and South America. Yet, despite past failures, federalism and similar territorial arrangements remain on the menu of governance solutions for ending conflict, not least because in some cases they secured peace (and often prosperity as well) of varying durations.

Key, then, is depolarizing both government and civil society supportive of federal governance and of deliberative constitutionalism. Both are grounded in inclusive public deliberation and ultimately aim at creating institutional frameworks that help a polity work through postconflict negative perceptions of opponents and their perceived hostility and thus securing intergroup cooperation and the recognition of societal pluralism.

Workshop 180
Unwalking Paths to Build Deliberative Democracies for Peace: Perspectives from Transitional Justice and Collective Ethnic Rights.

Chairs:

- **Marisela Mena Valencia** maryvale_05@hotmail.com

The workshop proposes a space for critical reflection on the challenges faced by contemporary deliberative democracies in building peace within contexts marked by corrosive polarization, armed conflict, post-conflict transitions, social inequalities and structural problems. Within this framework, it highlights the need for a transitional justice approach that not only guarantees truth, justice and reparation, but also prioritizes dialogue, recognition, and the protection of the rights of ethnic and racialized groups, ensuring their active participation as a foundation of cultural and ethno-racial diversity.

This workshop seeks to explore alternatives for retracing and rethinking the way constitutional democracies and peace processes have been conceived, promoting—through a dialogic and balanced perspective—the interaction between transitional justice and collective ethno-racial rights as an opportunity to shape alternative constitutional spaces that are more inclusive and responsive to pluralism.

In this regard, and recognizing its connection with the thematic axis Human Rights in Reality: Access and Implementation, the workshop invites contributions reflecting on:

- Constitutional democracies: Institutional challenges and obstacles in guaranteeing the right to peace.
- The 2016 Peace Agreement as a constitutional moment for Black communities in Colombia: An analysis through the lens of racial justice.
- Restorative dialogues as practical laboratories to foster deliberative democracies and reduce corrosive polarization: Lessons from ethnic-racial acknowledgements of responsibility after the 2016 Peace Agreement.
- Ethno-education for Black, Afro-Colombian, Palenquero, and Raizal communities in the context of the armed conflict in Colombia: Analysis and monitoring of unconstitutional states of affairs.
- Recall of mandate and plural democracy: Constitutional challenges for the participation of ethnic peoples.

Workshop 181
Restorative Transitional Justice and Constitutional Pragmatism

Chairs:
- **Danilo Rojas Betancourth** danilo.rojas@jep.gov.co
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The principlist and sanction-centered orthodoxy of the retributive justice model characteristic of criminal law scholarship must be reconsidered in light of justice models with a restorative emphasis, such as the one applied in Colombia. There, the transitional justice being implemented is guided by new legal principles that challenge the traditions of criminal law. Although both types of principles share important dogmatic aspects, they differ in scope and aims: criminal law principles are oriented toward strengthening the internal coherence of the discipline and addressing the needs of those directly involved—the parties: victims and perpetrators—whereas the principles of transitional justice, in addition to the above, more clearly envision structural institutional and social transformations.

Certain practices that reveal the unorthodox application of principles and sanctions—practices that characterize the progress of the restorative transitional justice model—demand a shift in theoretical paradigm to better explain the phenomenon, as the best-known paradigms prove too narrow to accommodate these new realities. Thus, the strict legality advocated by legal positivism views with suspicion the stretching of principles that govern restorative transitional justice. The rationality claimed by contemporary natural law theory—or iusrationalism—likewise regards with skepticism the binding force of the agreements at the core of dialogic judicial processes. And of course, legal realism, which underpins the most far-reaching forms of judicial activism, continues to face a permanent legitimacy deficit on account of its counter-majoritarian nature.

If the initial role of legal scholarship is to describe and organize its object of study—law in action—then it must acknowledge that these very practices, regarded with suspicion by certain legal theories, are precisely those that define the reality known as restorative transitional justice. Legal scholarship has the responsibility to describe them accurately before criticizing them or proposing improvements. If a given theoretical framework proves inadequate as a tool for explanation, it is clear that it is not reality that must change, but the theory that seeks to describe it.

A theoretical paradigm that would better capture the factum of Colombian restorative transitional justice is legal pragmatism. One need only consider, for example, the value that pragmatism assigns to consensus and consequences in the realms of politics and morality. The same can be said for the field of judicial adjudication.

Workshop theme: Human Rights in Reality: Access and Implementation.

Workshop 182
The Special Jurisdiction for Peace: Acknowledgment of Responsibility and Justice for Victims

Chairs:
- **Camila de Gamboa Tapias** camila.degamboa@urosario.edu.co
- **María Camila Correa** mariaca.correa@urosario.edu.co

Colombia has endured an armed conflict lasting more than six decades. Although several governments since the late 1980s have made efforts—some more successful than others—an effective transition toward stable and lasting peace has not been achieved, and the armed conflict has evolved, with old and new actors and new dynamics intertwined with well-established warfare strategies.

Since 2005, Colombia has used various transitional justice mechanisms to move from war to peace, primarily through two models: the Justice and Peace Law and the Havana Peace Accord, as well as through the constitutionalization of transitional justice in the Legal Framework for Peace. The development of transitional justice in Colombia has been significantly informed by the rich jurisprudence of the Colombian Constitutional Court and the Inter-American Human Rights System, as well as by theoretical reflections from experts in the field.

In this workshop, we invite presenters to participate with academic reflections from experts on the following aspects of the Special Jurisdiction for Peace (JEP):

1. Analysis of the acknowledgments of responsibility by appearing parties
2. in the public hearings of the macro-cases in which this procedure has been carried out by the judges of the Chamber for the Acknowledgment of Truth, Responsibility, and Determination of Facts and Conducts.

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2. Analyze the restorative approaches proposed by the Chamber for the Acknowledgment of Truth, Responsibility, and Determination of Facts and Conducts, aimed at ensuring that those appearing before the tribunal repair the collective harms they have caused to victims.

3. Analysis of the first decisions issued by the JEP Tribunal regarding the sanctions imposed on those appearing before it and the restorative projects ordered.

4. Critical analysis of the institutional and jurisdictional design of the JEP: its scope, limits, and risks.

5. The use of normative bodies (such as International Humanitarian Law and International Criminal Law) by the Chambers and Sections of the JEP.

6. The JEP and its similarities and differences with other transitional tribunals.

Workshop 183
Transitional Justice in Colombia: Ten Years After the Final Agreement

Chairs:
- **Milton César Jiménez Ramírez**
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Ten years have passed since the signing of the Final Peace Agreement between the Colombian Government and the now-defunct FARC-EP guerrilla. Over this decade, both the Agreement and its implementation have contributed to strengthening—as well as testing—the foundations of Colombia's democratic institutional system. In its various expressions, the Agreement continues to shape national debate and compels us to rethink our own institutions. From understanding the causes of the systematic violence the country has experienced—both by non-state and state actors—to expanding political participation for historically marginalized groups and engaging in an ongoing debate over land distribution, the Final Agreement remains a central reference point. For this reason, a careful reflection on what has happened with its mandate and the direction that should be taken moving forward has become urgent.

Thematic Axes:

Given that the Final Agreement addresses multiple facets of national public policy, it is not possible to cover them all in this workshop. We therefore focus on the following axes:

1. Justice:

The Special Jurisdiction for Peace (JEP) has already begun issuing condemnatory sentences against those most responsible for war crimes and crimes against humanity. This marks the beginning of the closure of an intense process of discussion regarding victims' participation, reparation mechanisms, standards for contributions to truth and acknowledgment of responsibility, as well as the coordination between the JEP and the Government in preparing restorative projects, among others.

These debates have already been addressed by the JEP, and they have profound implications for the transitional constitutional framework created through the Agreement's implementation, the policy implementation frameworks, and the decisions of the Constitutional Court.

2. Political Participation:

The Statute of the Opposition is perhaps one of the most important promises that the Final Agreement rescues from the long-neglected constitutional mandate. However, it is necessary to ask what implications the Agreement has had on the restructuring of Colombia's political system. There have been changes beyond legal reforms, but these do not seem sufficient to explain the Agreement's legacy or to fully test the political opening it sought to promote.

3. Territorial Peace:

One of the major lessons from Colombia's peace processes is that they cannot be conceived without mechanisms to build peace from the territories. Understanding the political economy at the village level is, in many cases, essential for creating effective peacebuilding mechanisms. The implementation of the Agreement depends largely on this territorial peace, and this has been one of the most difficult aspects to materialize. This difficulty has also affected access to justice, because for the JEP to impose restorative and reparative sanctions, it requires this institutional—and especially territorial—framework that develops policy based on local needs and priorities.

Workshop 184
Legal Journals and Blogs on Constitutional Law

Chairs:

- **Edgar Corzo Sosa** ecorzo@unam.mx
- **Ashley Moran** ashleymoran@utexas.edu
- **Gonzalo Andrés Ramírez Cleves** gonzalo.ramirez@externado.edu.co

Constitutional law journals have increased in recent years, as has the number of legal blogs specializing in constitutional law. This workshop will feature editors of legal journals and blogs dedicated to constitutional law, as well as individuals interested in this field, to analyze the challenges involved in publishing articles of significant impact and thematic relevance. The workshop takes into account the current trend toward indexation for academic recognition, as well as new issues arising in publications with the emergence of artificial intelligence (AI).

Likewise, the workshop will discuss how legal blogs have become agile tools for the rapid dissemination of constitutional law on topics such as commentary on court decisions, legislation, current debates, and book reviews.

The goal is to create a space for debate and the exchange of experiences among various journals and blogs focused on constitutional law, to understand how they are managed and how they can contribute to the creation and dissemination of scientific knowledge on the subject.

Workshop 185
The Sustainability of Constitutional Democracy: Bananas or Oranges?

Chairs:

- **Imer B. Flores** imer@unam.mx
- **Diego E. López Medina** dlopez@uniandes.edu.co

The constitutional and democratic rule of law seems to be crumbling in our hands, for it contains a profound contradiction. Its very conditions of possibility—and even of sustainability—suggest that it is, by definition, a limited government subject to law; or else, that it may claim to be a government where popular sovereignty could give rise to an unlimited one. This tension is exemplified by the clash between "bold and daring" governments that adopt blitzkrieg-style strategies to do things deeply and quickly, through concentration of power, on the one hand, and the "moderate and cautious" ones that still rely on traditional Fabian mechanisms to introduce gradual and incremental reforms, through the deliberation imposed by the separation of powers, on the other. For many "decisive" governments, "democracy" today is understood as a clear and direct mandate that the electorate gives to the president and the ruling party to execute their agenda or action plan, come what may. "Constitutionalism" and the "rule of law" are therefore seen as an excessive tangle of obstacles and procedures that diminish the effective capacity to do what is necessary for the public interest.

As Hungary's Fidesz party said a few years ago in its electoral campaign: "if you are bored with the banana, choose the orange." The "banana" seems to be the constitutional recipe—once tasty, now bland. The "orange," by contrast, appears to be a fresh, acidic, vibrant alternative... In this panel, the speakers will offer their perspectives on the dialectic between the banana and the orange, between autocracies and democracies, limited and unlimited democracies, constitutionalism and populism, or else a leap into the void that could lead to banana republics, orange republics, and even illiberal ones.