



PROTECTING ECONOMIC AND SOCIAL RIGHTS IN TIMES OF ECONOMIC CRISIS: WHAT ROLE FOR THE JUDGES?

5-6 May 2014
Ouro Preto, Brazil

MONDAY, 5 MAY 2014

Opening session

- 9:00 *Opening address*
Mr Joaquim Benedito GOMES BARBOSA, President, Federal Supreme Court, Brazil
- 9:10 *Opening address*
Mr Gianni BUQUICCHIO, President, Venice Commission

SESSION I - Defining economic and social rights in the Constitution

- Chair: Ms Herdis THORGEIRSDOTTIR, Vice-President of the Venice Commission, Professor, President of the European Women Lawyer's Association
- 9:20 *The constitutional entrenchment of Social Rights in Europe: their definition*
Ms Veronika BILKOVA, Professor, Member of the Venice Commission, Czech Republic
- 9:40 *Social Rights in the Constitution of Brazil*
Mr Joaquim Benedito GOMES BARBOSA, President, Federal Supreme Court, Brazil, Member of the Venice Commission
- 10:00 *The Moroccan experience in protecting economic and social rights in the Constitution*
Mr Ahmed HERZENNI, Professor, Former member of the Moroccan Commission on the Reform of the Constitution, former President of the Advisory Council on Human Rights of Morocco
- 10:20 *Definition of social rights in Venezuela: the construction of the social State*
Mr Juan José NUÑEZ CALDERON, judge, Supreme Court, Venezuela

10: 40 Discussions

11:10 *Family photo and Coffee break*

SESSION II - Economic crisis and the international protection of rights

Chair: Mr Roberto CALDAS, Vice-President, Inter-American Court of Human Rights

11:30 *Protection of rights in times of crisis within the Covenant of Economic, Social and Cultural Rights: The United Nations' experience*

Mr Renato Zerbini RIBEIRO LEAO, member of the UN Committee on Economic, Social and Cultural Rights, will address the audience with a broadcasted message

11:50 *Protection of economic and social rights: the role of the European Court of Human Rights*

Mr Vincent BERGER, Professor, former Jurisconsult of the European Court of Human Rights

12:10 *The European Social Charter: the Committee and the protection of social rights in times of economic crisis*

Luis JIMENA QUESADA, President of the European Social Charter Committee, will address the audience with a broadcasted message

12:20 *The Protocol of San Salvador and the economic crisis: the role of the Inter-American Court of Human Rights*

Mr Alberto PEREZ PEREZ, Judge at the Inter-American Court of Human Rights

12:40 Discussions

13:10 Lunch

SESSION III - Constitutional limits on rights in times of crisis: amending the Constitution

Chair: Ms Carmen Lucia ROCHA ANTUNES, Judge, Federal Supreme Court, Brazil, Substitute Member of the Venice Commission

14:30 *Is the "Golden Rule" an adequate constitutional response to an economic crisis?*

Mr Pablo PEREZ TREMPES, Professor, former judge of the Constitutional Court of Spain

14:50 *Changing a Constitution in times of crisis - the Tunisian Experience*

Ms Ikbal BEN MOUSSA, Professor, Tunis

15:10 *Amending the Constitution in a double transition to democracy and social peace: the case of Uruguay*

Mr Jorge LARRIEUX RODRIGUEZ, President, Supreme Court, Uruguay

15:30 *Amending the Constitution in a post-communist country: what protection of economic and social rights in the Russian Federation?*

Mr Vladimir LAFITSKY, Deputy Director, Institute for Legislation and comparative law, Moscow, Russian Federation, Substitute member of the Venice Commission and member of the International Advisory Academic Board of the International Anti-Corruption Academy

15:40 Discussions

16:10 Coffee break

SESSION IV: *Justiciability of economic and social rights*

Chair: Mr Luis Ernesto VARGAS SILVA, President, Constitutional Court of Colombia

16:30 *Civil and Political Rights as the Basis for the Protection of Social Rights. The role of Articles 8 and 25 of the ACHR in the protection of economic and social rights*
Mr Roberto CALDAS, Vice-President of the Inter-American Court of Human Rights

16:50 *Access to justice and the protection of social rights in Nicaragua: the state of the debate*
Ms Alba Luz RAMOS VANEGAS, President, Supreme Court, Nicaragua

17:10 *The case-law of the Supreme Court of Costa Rica*
Ms Nancy HERNANDEZ LOPEZ, Judge, Constitutional Court of Costa Rica

17:30 *Access to justice and legitimate interest: the protection of collective rights in Mexico*
Mr Manuel GONZALEZ OROPEZA, Judge, Federal Electoral Court, Mexico, Substitute Member of the Venice Commission

17:50 Discussions

TUESDAY, 6 MAY 2014

SESSION V - Social benefits and austerity measures: the challenges

Chair: Mr Juan José ROMERO GUZMAN, Judge, Constitutional Court, Chile, Member of the Venice Commission

10:00 *The role of courts during welfare reform and economic crisis*
Mr Jeff KING, Senior Lecturer, University College London

10:20 *Social benefits and austerity – the case-law response in Greece*
Mr George GERAPETRITIS, Professor, University of Athens

10:40 *The case-law response to the protection of economic and social rights in Ecuador*
Mr Antonio GAGLIARDO, Judge, Constitutional Court, Ecuador

11:00 *Case-law response in Colombia*
Mr Luis Ernesto VARGAS SILVA, President, Constitutional Court of Colombia

11:20 *The effects of austerity on the case-law of the Constitutional Court of Peru*
Mr Oscar URVIOLA HANI, President, Constitutional Court of Peru, member of the Venice Commission

11:40 Discussions

12:10 Lunch

SESSION VI - Equality in times of crisis: disadvantages for already disadvantaged groups

Chair: Mr Oscar URVIOLA HANI, President, Constitutional Court of Peru, member of the Venice Commission

14:00 *The impact of an economic crisis on socio-economically vulnerable groups: public policy and the role of law. The experience of Chile*
Mr Juan José ROMERO GUZMAN, Judge, Constitutional Court, Chile, Member of the Venice Commission

14:20 *A gender based approach on crisis effects. The role of justice*
Ms Carmen ALANIS, Judge, Federal Electoral Court, Mexico, Substitute Member of the Venice Commission

14:40 *The impact of an economic crisis on disadvantaged groups: the case of El Salvador*
Mr Edward Sidney BLANCO REYES, Judge, Supreme Court, El Salvador

15:00 *The impact on indigenous groups in a plurinational Constitution: the state of the debate in Bolivia*
Mr Efren CHOQUE CAPUMA, President, Constitutional Court of Bolivia

15:20 *The protection of economic and social rights of children in times of financial crisis: the challenges*
Ms Herdis THORGEIRSDOTTIR, Vice-President of the Venice Commission, Professor, President of the European Women Lawyer's Association

15:40 *Equality and disadvantaged groups: the impact of the economic crisis in Peru*
Mr Jorge Luis SALAS ARENAS, Judge, Supreme Court, Peru

16:00 Discussions

16:30 CONCLUSIONS

Mr Gianni BUQUICCHIO, President, Venice Commission
Mr Joaquim Benedito GOMES BARBOSA, President, Federal Supreme Court, Brazil