



PRIVATE POWERS AND THE RULE OF LAW

PROGRAMME

Thursday 28 November

10:00 Opening Remarks

- **Rosario GARCÍA MAHAMUT**, Director of the CEPC, Professor of Constitutional Law
- **Simona GRANATA-MENGHINI**, Director/Secretary, Venice Commission
- **Juan Ignacio MORRO VILLACIÁN**, Ambassador, Permanent Representative of Spain to the Council of Europe

10:30 First panel: “New” Private Powers: globalisation and digitalisation

Issues to be covered:

- *Review of the combination of two phenomena (globalisation and digitalisation) that alter the traditional ways of understanding the relationship between private powers and the rule of law.*
- *Identification and taxonomy of “private powers”, distinguishing between for-profit, non-for-profit, and those of hybrid nature.*
- *Historical and recent trends at the intersection of business and human rights. Key differences between past phenomena and the current setting of private powers.*
- *The extent to which the emergence of new powers disrupts the foundations of the rule of law, democracy, and the guarantee of human rights.*

- **Olena UVAROVA**, Postdoctoral Researcher and Research Coordinator, MSCA4UKRAINE, Wageningen University
- **Josep IBÁÑEZ MUÑOZ**, Associate Professor of International Relations, Universitat Pompeu Fabra
- **Iñigo MACÍAS AYMAR**, Research Coordinator, Oxfam Intermon
- Panel Chair: **Paloma LLANEZA**, Lawyer and CEO at Razona Legaltech

12.00 Coffee break



12:30 Second Panel: Private Power and the Rule of Law in the Common Constitutional Traditions of the Member States of the Venice Commission

Issues to be covered:

- *The response from different constitutional traditions to the “new” private powers.*
- *Analysis of the common standards traditionally shared in this area from the European continental perspective and the common law perspective.*

- **Cesare PINELLI**, Professor of Constitutional Law, Sapienza University of Rome, Substitute Member of the Venice Commission for Italy
- **Xabier ARZOZ SANTISTEBAN**, Professor of Administrative Law at the University of Distance Education (UNED)
- Panel chair: **Paloma BIGLINO**, Professor of Constitutional Law, Valladolid University, Substitute Member of the Venice Commission for Spain

14.00 Lunch

16:00 Third Panel: The Human Rights Dimension

Issues to be covered:

- *The impact of private powers on human rights, from data protection to privacy guarantees, freedom of expression, social rights, anti-discrimination, etc.*
- *New dimensions of human rights, such as the right to health, and the rights of the digital society (e.g., the new Council of Europe’s Framework Convention on Artificial Intelligence, “neurorights”, etc.).*

- **Eliška PÍRKOVÁ**, Senior Policy Analyst and Global freedom of expression Lead, Access Now
- **Milena COSTAS TRASCASAS**, Member of the Advisory Committee of the UN Human Rights Council and Independent Consultant
- **Renata ÁVILA PINTO**, CEO, Open knowledge
- Panel chair: **Rafael RUBIO NÚÑEZ**, Associate Professor, Complutense University of Madrid



Friday 29 November

9:30 Fourth Panel: The Democracy Dimension

Issues to be covered:

- *The delegation of public functions in the public policymaking process to private corporations*
- *The role of private actors in the adoption of parallel private de facto regulations and standards, including algorithmic decision-making.*
- *Regulations and best practices in addressing the influence of private powers on law and policymaking (lobbying, addressing oligarchisation etc.)*

- **George PAPANDREOU**, General Rapporteur for Democracy, Parliamentary Assembly of the Council of Europe (PACE), former Prime Minister of Greece
- **Juan Fernandez LOPEZ AGUILLAR**, Member of the European Parliament, former Minister of Justice of Spain
- **Enrico BELLINI**, Head of Government Relations, Southern Europe, TikTok
- Panel chair: **Elena GARCÍA GUITIAN**, Professor of Political Science and Administration at the Autonomous University of Madrid (UAM)

11.00 Coffee break

11:30 Fifth Panel: The Rule of Law Dimension

Issues to be covered:

- *Equality before the law*
- *Access to justice*
- *Jurisdiction issues*
- *The role of strategic litigation by private actors, including civil society organisations,*
- *Corporate strategies, such as strategic SLAPPs*
- *Litigation to delay/avoid complying with decisions by public authorities).*

- **Kaarlo TUORI**, Professor of Constitutional Law, Honorary President of the Venice Commission
- **Oscar SÁNCHEZ MUÑOZ**, Professor of Constitutional Law, Substitute Member of the Venice Commission for Spain
- **Jessica NÍ MHAINÍN**, Policy and Campaigns Manager, Index on Censorship



- Panel chair: **Iain CAMERON**, Professor of International Law, Member of the Venice Commission for Sweden

13:00 Conclusions

- **RAFAEL BUSTOS GISBERT**, Professor of Constitutional Law, Complutense University of Madrid, Member of the Venice Commission for Spain

13:30 Closing remarks

- **Simona GRANATA-MENGHINI**, Director/Secretary, Venice Commission
- **Rosario GARCÍA MAHAMUT**, Director of the CEPC, Professor of Constitutional Law
- **Juan Ignacio MORRO VILLACIÁN**, Ambassador, Permanent Representative of Spain to the Council of Europe

Working languages: Spanish and English (simultaneous translation)