



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

in co-operation with the
CENTRE FOR POLITICAL AND CONSTITUTIONAL STUDIES, MADRID

WORKSHOP

**ON THE ROLE OF THE CONSTITUTION
IN THE SPANISH TRANSITION
25 YEARS EXPERIENCE
(1978-2003)**

Madrid, 23-24 January 2004

PROGRAMME

PROGRAMME**Friday, 23 January -Transition, constitution-making process and fundamental rights**

09:30 **Opening of the Workshop – The role of the Constitution in the Spanish transition – 25 years of experience (1978-2003)**

Opening speeches:

- Ms Carmen Iglesias, Director, Centre for Political and Constitutional Studies
- Mr Gianni Buquicchio, Secretary, Venice Commission

10.00 - 11.30 **Round table – Transition, Consensus and Constitution-making Process. Options and Alternatives**

- Mr Laszlo Solyom, Professor at the University of Budapest, Member of the Venice Commission, Hungary
“Anticipatory Constitutionalism - Constitution-making and transition in Hungary” (CDL-JU(2004)004)
- M.r Ángel Sánchez Navarro, Professor of Constitutional Law, University Complutense, Centre for Political and Constitutional Studies, Madrid
“Transition, consensus and Constitution-making process: Options and alternatives”

11.30 - 12.00 Coffee break

12.30 - 13.30 **Round table – Fundamental Rights and Public Liberties in Constitutional Spain (1978-2003)**

- Mr Javier Borrego Borrego, Judge, European Court of Human Rights
“The place and the role of the European Court of Human Rights in the Spanish democratic transition”

14:00 Lunch break

16.30 - 18.00 **Round table – Constitutional Court and Fundamental Rights**

- Mr V. Gotzev, Judge at the Constitutional Court of Bulgaria, Substitute Member of the Venice Commission
“The protection of human rights according to the Constitution of the Republic of Bulgaria and the practice of the Constitutional Court”
(CDL-JU(2004)001)
- Mr Petro Martynenko, Dean of the Salomon International Law Faculty, Former judge at the Constitutional Court of Ukraine
“Right to life and the Constitutional Court: The Ukrainian experience on the abolition of the death penalty” (CDL-JU(2004)003)
- Mr Luis López Guerra, Professor of Constitutional Law, University Carlos III, Madrid, Former Vice-President of the Constitutional Court, President of the Spanish Constitutionalist Association
“The guarantee of fundamental rights by the Constitutional Tribunal in Spain”

Saturday, 24 January - Territorial organisation of the State: The State of Autonomies

10.00 - 11.30 **Round table – Decentralisation in transition and in the constitution-making process. Principles of organisation of the state of autonomies, procedural aspects**

- Mr Cesare Pinelli, Professor of Constitutional Law, University of Macerata, Rome, Italy
“The advent of the regional state in Italy from the Constituent Assembly onwards” (CDL-JU(2004)005)
- Mr Roberto Blanco Valdés, Professor of Constitutional Law, University of Santiago de Compostela, Spain
“The Constitutional Model of the State of Autonomies”

11.30 - 12.00 Coffee break

12.30 - 13.30 **Round table – The affirmation of the “España de las Autonomías” (“Spain of the Autonomies”). The role of the Constitutional Court (1978-2003)**

- Mr Luc Lavrysen, Judge, Court of Arbitration, Belgium
“Autonomy of Regions and Communities: the Belgian Experience”
(CDL-JU(2004)002)
- Mr Javier Corcuera Atienza, Professor of Constitutional Law, University of the Basque Country, Spain
“The affirmation of the Spanish State of Autonomies”

13.30 **Closing Session**