**6th Congress of the World Conference on Constitutional Justice**

**on “Human Rights of Future Generations”**

**Madrid, Spain**

**28-30 October 2025**

**CONCEPT PAPER**

***Introduction:*** The Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, the European Convention on Human Rights proclaim that the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

Each generation must ensure that the rights of persons belonging to future generations are protected and not sacrificed for the interests of the present moment.

Intergenerational justice has both individual and collective dimensions and can be examined from multiple perspectives, such as the preservation of natural resources and the environment, the preservation of humankind’s cultural heritage or access to scientific knowledge and new technologies.

The concept of intergenerational justice is deeply rooted in the recognition of equal and inalienable rights as the foundation of freedom, justice, and peace. This principle, enshrined in documents such as the Universal Declaration of Human Rights, emphasises the responsibility of current generations to safeguard the rights and opportunities of future generations. As the 6th Congress of the World Conference on Constitutional Justice convenes in Madrid, the topic assumes critical importance in addressing the multifaceted dimensions of sustainable development, cultural preservation, scientific progress, and judicial independence. This Congress, the result of a joint effort by the Constitutional Tribunal of Spain and the Venice Commission, will explore these themes in the context of constitutional justice. It offers a unique platform to delve into the challenges and opportunities for member courts to contribute toward a more equitable and sustainable future.

***Main challenges:***The protection of human rights for future generations presents several significant challenges:

Environmental Degradation and Climate Change: Future generations face the grave threat of environmental degradation and climate change. Rising global temperatures, loss of biodiversity, and increasing pollution levels necessitate robust legal frameworks to safeguard their rights to a healthy environment.

Digital Privacy and Technological Advances: The rapid advancement of technology and the proliferation of big data pose risks to privacy and personal freedoms. Future generations will need protection against misuse of personal data and intrusive surveillance technologies.

Educational Inequality: Access to quality education remains uneven across different regions. Ensuring equal educational opportunities in an increasingly digital and globalised world is essential for the empowerment and development of future generations.

***The Role of Constitutions and Constitutional Courts****:* Constitutions and constitutional courts play a pivotal role in addressing the challenges of protecting human rights for future generations. They can interpret and enforce constitutional provisions related to environmental protection, ensuring that policies and practices do not harm future generations. By upholding international climate agreements and promoting sustainable development, they can significantly contribute to climate justice.

Moreover, Constitutions need to be adaptable to technological changes. Constitutional courts are essential in interpreting laws related to digital privacy and protecting citizens from intrusive technologies. They ensure that data protection regulations are in place and enforced. Furthermore, Constitutional, Courts can address inequalities and ensure that all individuals have access to quality education, thereby promoting inclusive development and equal opportunities for future generations.

***Preventive Function of Constitutional Courts in Addressing Human Rights Challenges:*** Constitutional courts also have a preventive role in protecting human rights for future generations. Through their judgments, constitutional courts establish legal precedents that guide future actions and policies. By clearly defining human rights protections, they create a legal framework that prevents violations.Courts can play a proactive role by reviewing laws and policies before they cause harm. This includes evaluating the constitutionality of new legislation and governmental actions that may impact future generations.Constitutional courts can raise public awareness about human rights issues through their rulings and public engagements. Educating the public and government officials about the importance of protecting human rights for future generations can lead to more informed and conscientious decision-making.

***Limits of Constitutional Justice in Ensuring the Protection of Human Rights for Future Generations:*** While constitutional courts play a crucial role, there are limitations to their effectiveness:

*Jurisdictional Constraints*: Constitutional courts can only act within the bounds of their jurisdiction. They often depend on cases being brought before them and cannot initiate actions independently.

*Political Pressures:* Courts may face political pressures that can influence their decisions. Ensuring judicial independence is essential but can be challenging in politically charged environments.

*Resource Limitations:* Limited resources can hinder the ability of courts to address all relevant issues thoroughly. Adequate funding and support are necessary to enable courts to function effectively.

*Complexity of Issues:* The multifaceted nature of issues like climate change and digital privacy requires specialised knowledge and interdisciplinary approaches, which can be challenging for courts to fully address.

***Sharing of Experience:*** The 6th WCCJ Congress in Madrid provides an invaluable platform for sharing experiences and best practices among constitutional courts: Participants are encouraged to share case studies and examples of how their courts have addressed human rights challenges for future generations. This can provide practical insights and strategies that others can adopt.

Through dialogue and collaboration, courts can develop innovative solutions to common challenges. Sharing knowledge about successful interventions and legal frameworks can help strengthen global constitutional justice. Understanding what has not worked is as important as knowing what has. Participants should discuss challenges and setbacks to identify areas for improvement and develop more resilient approaches.

Strengthening networks among constitutional courts can facilitate ongoing support and information exchange. Establishing mechanisms for continuous collaboration can enhance the collective capacity to protect human rights for future generations.

*I. The Preservation of Natural Resources and the Environment*

Sustainable development is the cornerstone of environmental intergenerational justice, requiring a balance between present needs and the preservation of resources for future generations. Constitutions worldwide increasingly recognise the right to a clean and sustainable environment, framing environmental protection as a central human right. Sustainable development is that which is capable of satisfying current needs without compromising the resources and possibilities of future generations. It aims to harmonise environmental protection and economic development.

The right to a clean, healthy and sustainable environment is presented as central to the protection of the human rights of future generations. It has diverse expressions, such as ensuring access to affordable and safe energy for all, the availability of water resources, the fight against desertification or halting the loss of biodiversity.

Key questions posed at the Congress include:

* The constitutional obligations of states regarding environmental protection.
* The legal avenues available for individuals, NGOs, and institutions to advocate for environmental rights.
* Judicial rulings addressing hazardous waste, climate change, and environmental disasters.

Courts play a vital role in mitigating environmental harm, as demonstrated by landmark rulings that uphold environmental accountability. The interconnected crises of biodiversity loss, water scarcity, and climate change demand a coordinated judicial response to reinforce sustainable practices and equitable access to resources.

*II. Preservation of Humankind’s Cultural Heritage*

Cultural heritage serves as a bridge between generations, encompassing both tangible assets like monuments and intangible practices such as traditions and knowledge systems. The preservation of cultural heritage is not only an ethical imperative but also a legal one, as recognized by various international conventions, including the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage. Humankind’s cultural heritage is an extraordinary set of cultural creations and expressions that were handed down to us by previous generations and that we must pass on to future generations. It includes archaeological constructions and sites, museums, monuments, historic cities, works of art, literary, musical and audiovisual works, as well as the knowledge, practices and traditions of citizens.

Discussion points include:

* The constitutional recognition of access to cultural heritage as a human right.
* International disputes over cultural assets and the resolution of conflicts through legal frameworks.
* Judicial rulings related to controversial cultural practices or the protection of heritage sites.

Courts are instrumental in addressing disputes over cultural property and upholding rights to cultural expression. By safeguarding cultural diversity, they reinforce the continuity of human creativity and resilience for future generations.

*III. Access to Scientific Knowledge and New Technologies*

Technological and scientific advancements have profound implications for the enjoyment of human rights and the opportunities available to future generations. However, this progress must be guided by ethical considerations and legal safeguards to ensure equitable access and protection against potential abuses. Humankind’s technical and scientific progress is becoming more and more vertiginous and has a greater capacity to influence the future of the generations to come.

Universal access to information and communication technologies has a clear impact on the daily lives of citizens and promotes the effective enjoyment of human rights such as freedom of expression, the right to education and the right to work.

At the same time, it is necessary to protect citizens, especially minors and other vulnerable groups, so that they make a balanced use of digital environments, ensuring the proper development of their personality.

Central issues for exploration include:

* The recognition of digital connectivity as a fundamental right.
* Regulatory measures to ensure authenticity and transparency in information dissemination.
* Mechanisms to protect against invasive surveillance, data misuse, and discriminatory artificial intelligence systems.

Constitutional Courts are tasked with adjudicating cases involving digital rights, data privacy, and AI ethics. Their rulings establish precedents that shape the contours of technological fairness, ensuring that innovation aligns with the constitutional principles of human dignity and equity.

*IV. Independence of Constitutional Courts*

Judicial independence is a linchpin of constitutional justice, safeguarding courts from undue influence and enabling them to function as impartial arbiters of the law. Despite its importance, Constitutional courts often face pressures from other state powers, media, or public opinion, challenging their autonomy and effectiveness. The Role of the Venice Comission is among others to ensure the dissemination and consolidation of a common constitutional heritage, playing a unique role in conflict management, and provides “emergency constitutional aid” to states in transition.

The 2nd Congress of the World Conference on Constitutional Justice was devoted to the topic “Separation of Powers and Independence of Constitutional Courts and Equivalent Bodies”. In view of the importance of this topic and frequent threats to the independence of some Member Courts, the Bureau of the World Conference had decided to include a special stocktaking session on the independence of the Members for all future congresses. As a consequence, already the 3rd and 4th and 5th Congresses in 2014 in Seoul, 2017 in Vilnius and in 2022 in Bali included such a session and this will be the case for the 6th Congress in Madrid as well. The replies to the questions below will be important for the preparation for this session.

Key areas of inquiry include:

* The extent of external pressures faced by courts during case deliberations.
* Mechanisms for enforcing court decisions and addressing resistance from other state powers.
* Strategies for courts to navigate attacks on their independence and seek national or international support.

By upholding judicial independence, courts ensure the integrity of constitutional governance and reinforce public trust in legal institutions. The Congress provides a platform to exchange best practices and reinforce commitments to judicial autonomy.

**Conclusion**

The 6th Congress of the World Conference on Constitutional Justice is a joint endeavor of the Constitutional Tribunal of Spain and the Venice Commission, which provides the Secretariat for the WCCJ.The Congress will focus on the vital issue of protecting the human rights of future generations. By addressing the main challenges, highlighting the role of constitutions and courts, discussing preventive functions, recognising limitations, and sharing experiences, the Congress aims to foster a comprehensive understanding and robust strategies to ensure a sustainable and just future for all.

The 6th Congress provides a unique opportunity for constitutional courts worldwide to reflect on their role in advancing intergenerational justice. From environmental sustainability to cultural preservation, from equitable access to technology to the protection of judicial independence, the topics discussed underscore the multidimensional challenges faced by courts in safeguarding the rights of future generations.

By engaging in this dialogue, member courts reaffirm their commitment to upholding justice in an evolving global context. The outcomes of the Congress will serve as a guiding framework for addressing intergenerational challenges and ensuring that constitutional justice remains a beacon of hope for generations to come.

**QUESTIONNAIRE**

**I. THE PRESERVATION OF NATURAL RESOURCES AND THE ENVIRONMENT**

**Questions:**

1. Does your country’s Constitution impose positive obligations on the State regarding the protection of natural resources and the environment? If not, what legal instruments impose such positive obligations?
2. In your legal system, who is entitled to bring actions for the defence of natural resources and the environment before the courts (e.g., public institutions, individual citizens, non-governmental organizations)?
3. Has your Court addressed any cases involving the production of hazardous substances or waste that cannot be safely managed and disposed of by the generation that produces them?
4. Have there been any environmental disasters in your country with serious widespread consequences that caused significant legal issues? If so, how were those issues resolved?
5. Could you identify and share any relevant rulings issued by your Court on climate change?

**II. PRESERVATION OF HUMANKIND’S CULTURAL HERITAGE**

**Questions:**

1. Does your country’s Constitution recognize access to cultural heritage as a human right? If not, what legal instruments provide for this recognition?
2. Has your country signed the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage or any other related international instruments?
3. Does your country have any international disputes with another State regarding cultural heritage property? If so, how were they resolved?
4. Are there any controversial cultural practices in your country that may conflict with human rights? If so, what measures are being taken to address and eliminate them?
5. Has your Court issued any relevant rulings on the preservation of cultural heritage? If so, what were they about?

**III. ACCESS TO SCIENTIFIC KNOWLEDGE AND TO NEW TECHNOLOGIES**

**Questions:**

1. Is the right to digital connectivity (Internet access) recognized in the relevant regulatory instruments in your country?
2. Are there adequate instruments in place to preserve citizens’ right to receive information through social networks, with guarantees of accuracy?
3. Does your legal system have mechanisms to protect against the misuse of surveillance or data collection technologies, or other means of social control that may have indefinite effects? If so, what are those mechanisms?
4. Does your legal system have mechanisms to protect against the misuse of artificial intelligence systems that may threaten the full enjoyment of human rights by future generations? If so, what are those mechanisms?
5. Has your Court issued any relevant judgments on these matters? If so, could you please briefly describe them?

**IV. REVIEW ON THE INDEPENDENCE OF MEMBER COURTS**

This questionnaire includes a special section regarding the review on the independence of constitutional courts. It should be noted that, unlike the answers to the previous questions, the answers to this section will not be posted on the Conference website.

1. Has pressure been exercised on your Court by other state powers during the consideration (examination) of cases?

2. Has excessive pressure been exercised on your Court by the media during the consideration (examination) of cases?

3. Has your Court encountered resistance from other state powers following the adoption of decisions which they disliked?

4. Have the decisions of your Court been duly published?

5. Are the decisions of your Court being executed? Are there special mechanisms for the execution of the decisions of your Court?

6. Are there problems in the execution of specific types of decisions?

7. Have there been attacks on the Court following the adoption of decisions?

8. Have there been any legislative initiatives or actions leading to creating obstacles to the activity of your Court?

9. How did your Court deal with cases of pressure from other state powers, media, etc.?

10. Has your Court received assistance from other bodies at the national or international level? Please specify the provided assistance.

11. Does your Court consider that it is prevented by judicial restraint from defending itself in the media or from seeking assistance?