

Session III of the 6th Congress of the World Conference on Constitutional Justice, entitled “Access to scientific knowledge and new technologies”

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Introduction

The aim of this session is to raise some general questions regarding the impact that the digital revolution, the rapid advancement of scientific knowledge and new technologies are currently having not only on our daily lives, but also on constitutional law and justice. In particular, the challenges arising from ensuring universal access to information and communication technologies (ICT) whilst simultaneously protecting and safeguarding human rights in the digital environment.

In this way, digital connectivity will be addressed as a fundamental right, examining how technology —beyond being merely a tool— amplifies the impact of our actions and requires us to rethink the rights that need to be protected in the digital context. The report will also examine how the expansion of the Internet, social media and AI tools has transformed the rights to freedom of expression and access to information, creating opportunities for participation and access to knowledge, but also posing risks such as disinformation, the concentration of media power and the manipulation of public opinion.

Finally, the session will explore safeguards against intrusive surveillance, the misuse of data and discriminatory AI systems, analysing the new risks to individuals' privacy, equality and dignity, the tension between transparency and the right to privacy, and the need to ensure legal mechanisms such as habeas data, algorithmic transparency and informed consent, in particular, the impact of AI on the judicial system, its opportunities for efficiency and accessibility, and the risks of bias and automation that may compromise due process, equality and judicial independence.

The recognition of digital connectivity as a fundamental right

The right to science and other rights linked to scientific progress have been enshrined in numerous international treaties and documents.¹ This international obligation is supplemented

¹ The Universal Declaration of Human Rights, adopted by the United Nations General Assembly on 10 December 1948. Article 27(1) provides that everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits. Article 15 of the International Covenant on Economic, Social and Cultural Rights establishes the right of everyone to (i) take part in cultural life; (ii) to enjoy the benefits of scientific progress and its applications; and (iii) to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he or she is the author. It has also been recognised in regional human

by specific documents such as the Venice Declaration on the Right to Enjoy the Benefits of Scientific Progress, General Comments No. 17 (2005) and No. 25 (2020) of the Committee on Economic, Social and Cultural Rights, UN Human Rights Council Resolution 47/16 (2021) and General Assembly Resolution A/RES/78/213 (2023). A crucial step forward in ethical regulation is the Recommendation on the Ethics of Artificial Intelligence (AI) issued by the United Nations Educational, Scientific and Cultural Organisation (UNESCO), which constitutes the first global ethical framework for this technology². Of particular note among these documents is the report by the Special Rapporteur on cultural rights, Farida Shaheed. Regarding the right to enjoy the benefits of scientific progress and its applications, the United Nations Special Rapporteur noted that the normative content of the right to science includes: (i) access for everyone to the benefits of science, without discrimination; (ii) opportunities for everyone to contribute to scientific activity and freedom of scientific research; (iii) the participation of individuals and communities in decision-making; and (iv) an environment conducive to the preservation, development and dissemination of science and technology.

This right to scientific progress and new technologies has also led to the recognition of the right to digital connectivity, prompting international and regional organisations to adopt resolutions and declarations setting out the principles and obligations for promoting, protecting and ensuring the enjoyment of human rights online, in the context of digital technologies and, in particular, artificial intelligence systems. It should be noted here that the

rights instruments, such as Article 13 of the American Declaration of the Rights and Duties of Man, and Article 14 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights—also known as the “San Salvador Protocol”. In accordance with the aforementioned international instruments, as well as Articles 47 and 51 of the Charter of the Organisation of American States and Article 26 of the American Convention on Human Rights, the right to science entails the obligation on the part of States to (i) ensure the exercise of this right; (ii) guarantee the preservation, development and dissemination of science; (iii) respect the freedom of scientific research and creative activity; (iv) give priority, within their development plans, to the promotion of science and technology aimed at the holistic development of the human person and as the foundation of democracy, social justice and progress; (v) promote science and technology through teaching, research and technological development activities, and programmes for the dissemination and popularisation of knowledge; (vi) encourage activities in the field of technology with a view to adapting it to the needs of its comprehensive development; and (vii) take measures, both domestically and through international cooperation, to progressively realise the full effect of the rights arising from the standards relating to education, science and culture, within the limits of available resources, through legislation or other appropriate means.

² This instrument aims to bring together relevant values, principles and policies that ensure inclusion, gender equality and sustainability. One of its key priorities is equitable access to AI developments and benefits, particularly for low- and middle-income countries (LMICs), least developed countries (LDCs), landlocked developing countries (LLDCs) and small island developing states (SIDS), with a view to narrowing the technology gap and ensuring that the digital revolution is shared fairly. Furthermore, the Recommendation guides states, institutions, businesses and communities to integrate ethics throughout the entire lifecycle of AI systems and to promote international and multidisciplinary dialogue on their implications. The founding values and principles of the Recommendation are interdependent and aim to build trust in the development of AI. Notable among these values are: respect for and protection of human rights and human dignity, the flourishing of the environment and ecosystems, the safeguarding of diversity and inclusion, and the promotion of peaceful and just societies. As regards the principles, ten key guidelines are highlighted. Proportionality and the principle of doing no harm require that AI systems be restricted to legitimate purposes and exclude uses such as mass surveillance or social scoring. Safety, equity and sustainability ensure that AI contributes to social, economic and environmental well-being, in line with the Sustainable Development Goals (SDGs).

United Nations (UN), the Organisation for Security and Co-operation in Europe (OSCE) and the Organisation of American States (OAS) issued a joint statement in 2019 entitled *Challenges to Freedom of Expression in the Next Decade*, in which they declared that States should “[r]ecognise the right to access and use the Internet as a human right as an essential condition for the exercise of the right to freedom of expression”.³ Similarly, the UN Human Rights Council, in Resolution 47/16 of 13 July 2021, stated that “Access to the Internet is widely recognized as an indispensable enabler of a broad range of human rights. It is not only essential for freedom of expression, but, as digitalization advances, it is also central to the realization of the rights to education, to freedom of association and assembly, to participate in social, cultural and political life, to health, to an adequate standard of living, to work and to social and economic development...”⁴.

However, the technological revolution of recent decades has profoundly transformed the ways in which people interact, driven by technology, and is leading us to reconsider existing values, rights and social structures. AI, biotechnology and global connectivity are transforming the way we work, learn and interact, whilst constitutional law, by its very nature, is compelled to adapt without compromising its principles and values –the cornerstones of the stability of each country’s domestic legal system.

Technology cannot be viewed merely as a tool or a means of connecting with reality, as the use of ICT significantly amplifies the scope, impact and effectiveness of our actions, multiplying their effects. According to UNESCO, ICTs are defined as a “diverse set of technological tools and resources used to transmit, store, create, share or exchange information”⁵. The ICT sector includes, according to UNESCO, “software, computers, the Internet (websites, blogs and emails), live broadcasting technologies (radio, television and webcasting), recorded broadcasting technologies (podcasting, audio and video players and storage devices) and telephony (fixed or mobile, satellite, visio/video-conferencing, etc.)”⁶. This enables us to identify the various technologies that underpin human interactions, which in turn requires us to reflect on the rights that must be guaranteed and protected in today's digital landscape.

In this context, some legal scholars have pointed out that we are witnessing the emergence of a “fourth generation of rights” in which “universal access to technology, freedom of

³ UN, OAS and OSCE, “Challenges to Freedom of Expression in the Next Decade”. Available in: https://www.ohchr.org/sites/default/files/Documents/Issues/Opinion/JointDeclaration10July2019_English.pdf.

⁴ UN, Human Rights Council, HRC/50/55 of 13 May 2022, “Internet shutdowns: trends, causes, legal implications and impacts on a range of human rights”, p. 3. Available in: <https://docs.un.org/en/a/hrc/50/55>.

⁵ UNESCO (2021a). Steering AI and advanced ICTs for knowledge societies: a Rights, Openness, Access, and Multi-stakeholder Perspective, p. 12. Available in: <https://unesdoc.unesco.org/ark:/48223/pf0000372132>

⁶ Ibid.

expression online and the free dissemination of information play a fundamental role”⁷. This follows the so-called “theory of the three generations of human rights” proposed by Karel Vasak in 1977 at UNESCO. Others, on the other hand, consider this to be a further extension of what are known as third-generation human rights, since the rights arising from cyberspace do not represent a sufficient conceptual break to warrant a new classification, but rather are an expression of the values and needs (such as the right to information and freedom of expression) already defined in the third generation.⁸

That said, with regard to the recognition of the right to digital connectivity, it should be noted that 24 of the 69 member countries of the World Conference on Constitutional Justice responded that this right is expressly recognised by law, in their constitutions or in regulations⁹. This finding highlights a growing trend towards explicitly enshrining connectivity as a genuine right, essential for full participation in the digital society.

However, this raises the question of whether the formal and explicit recognition of the right to digital connectivity is necessary for it to be truly effective, or whether, on the contrary, it is sufficient for other types of guarantees to exist at the legal or constitutional level, such as access to public ICT services, the right to education, freedom of expression, the freedom to inform and be informed in a truthful and impartial manner, the right to the protection of personal data (Habeas Data) and the right to privacy to ensure that all human beings have access to such digital connectivity.

As noted earlier, there is a consensus –at least amongst international organisations– that states must recognise the right to digital connectivity, specifically the right to access the Internet, in order to realise other human rights. In light of the above, it would appear that an explicit recognition of this right could help to bridge the digital divide that currently exists not only between developed and developing countries, but also between men and women. According to the International Telecommunication Union (ITU), the UN’s specialised agency for ICT, by 2024, 5.5 billion people —68% of the world’s population— were online, whilst a third of the world’s population, 2.6 billion people, remained offline. This disconnect is closely linked

⁷ Javier Bustamante, “Hacia la cuarta generación de derechos humanos: repensando la condición humana en la sociedad tecnológica”, *Revista Iberoamericana de Ciencia, Tecnología, Sociedad e Innovación*, núm. 1 (2001): 3. (in Spanish) Available in: <https://www.corteidh.or.cr/tablas/r22470.pdf>

⁸ Emilio Suñé, “Los derechos humanos en el ciberespacio: la Declaración de derechos del ciberespacio”, (in Spanish) en *Derecho informático, electrónico y de las comunicaciones actas de la II Convención Internacional de Derecho Informático*, coords. Emilio Suñé Llinás y Francisco Lara Yuste (Madrid: Asimelec, CIID, 2009).

⁹ Angola, Albania, Austria, Belgium, Brazil, Cyprus, Croatia, Slovakia, Slovenia, Spain, Finland, India, Japan, Liechtenstein, Luxembourg, Mexico, Mozambique, the Netherlands, Portugal, the Czech Republic, Suriname, Turkey, Mauritius and Mauritania.

to development: Thus, 93% of people in high-income countries are online, compared with just 27% in low-income countries¹⁰.

Regional disparities are equally striking: In Europe, the Commonwealth of Independent States (CIS) and the Americas, between 87% and 92% of the population uses the Internet. By contrast, the figure for the Arab States and the Asia-Pacific region is around two-thirds (70% and 66%, respectively), whilst the average for Africa is just 38%.¹¹ Furthermore, UN Women's 2025 Gender Snapshot Report highlighted that the digital revolution is leaving women behind, stating that "70 per cent of men used the Internet in 2024, compared to 65 per cent of women. Widening gaps prevail in least developed countries, where less than 29 per cent of women are online compared to 41 per cent of men. In high-income countries, Internet use is nearly universal; 93 per cent of women and 94 per cent of men are online".¹²

In this regard, according to UNESCO's World Report "Towards Knowledge Societies", the digital divide is just one aspect of the discrimination and barriers that still exist when it comes to accessing and making use of information. Furthermore, it is claimed that "the digital divide helps widening an even more alarming divide –the knowledge divide, which adds up the cumulative effects of the various rifts observed in the main areas that make up knowledge (access to information, education, scientific research, and cultural and linguistic diversity) and is the real challenge facing the building of knowledge societies".¹³

So far, we have identified an initial issue: the need to adapt constitutions to the challenges posed by societal changes resulting from the globalisation of Internet access, as well as the recognition of digital connectivity as a fundamental right in order to guarantee effective access to ICTs, either as part of a new category of rights or through those already recognised, but filtered through the characteristics of the digital world, in order to ensure their protection both on and off the Internet and within AI tools. Similarly, access to digital connectivity, as a universal right, raises a second issue: the imperative to bridge the digital divide between

¹⁰ International Telecommunication Union. Internet use continues to grow, but universality remains elusive, especially in low-income regions. Available in: <https://www.itu.int/itu-d/reports/statistics/2024/11/10/ff24-internet-use/>. In this regard, the UN General Assembly, in Resolution 79/334 of 5 September 2025, noted that "2.6 billion people, in particular people in developing countries and those in vulnerable situations, do not have access to the Internet [...]. Therefore, [there is a] need to close all digital divides, both between and within countries and including rural-urban, youth-older persons, income, education and gender digital divides, and to promote digital inclusion, by taking into account national and regional contexts". UN (2025). RES/79/334 Impact of rapid technological change on the achievement of the Sustainable Development Goals and targets, p. 3. Available in: <https://docs.un.org/en/A/RES/79/334>.

¹¹ Ibid.

¹² UN Women, Progress on the Sustainable Development Goals, The Gender Snapshot 2025, p. 5. Available in: <https://www.unwomen.org/sites/default/files/2025-09/progress-on-the-sustainable-development-goals-the-gender-snapshot-2025-en.pdf>.

¹³ UNESCO, World Report: Towards Knowledge Societies, p. 22. Available in: <https://unesdoc.unesco.org/ark:/48223/pf0000141843>.

developed and developing countries, or across gender, age or disability. Digital connectivity is, therefore, a starting point for promoting equity, productivity and social inclusion.

Regulatory measures to ensure authenticity and transparency in information dissemination.

Technological advancement, Internet connectivity and the use of AI tools, as a result of globalisation, have two sides to them: on the one hand, it increases opportunities for access to scientific knowledge and information; on the other hand, it creates gaps, risks and inequalities that can undermine human dignity, privacy and equality. Today, freedom of expression and the right to information have taken on new dimensions with the development of the Internet and social media, profoundly transforming traditional freedoms. The Internet has not only multiplied the number of media outlets –such as online newspapers, blogs and personal platforms– but has also enabled any member of the public to play an active role in creating and disseminating content, thereby transforming the digital space into a genuine ‘forum’ for public debate. Today, freedom of expression and the right to information have taken on new dimensions with the development of the Internet and social media, profoundly transforming traditional freedoms. For this reason, the UN General Assembly, in Resolution A/RES/78/213 on the “Promotion and protection of human rights in the context of digital technologies”, stated that the protection of both freedoms is fundamental to safeguarding democracy: “The exercise of the right to freedom of opinion and expression and the full respect for the freedom to seek, receive and impart information plays [an important role] in strengthening democracy, promoting pluralism and multiculturalism, enhancing transparency and press freedom and countering disinformation and hate speech”¹⁴.

However, this expansion of the right to freedom of expression in digital environments creates an ongoing tension with the need to ensure the accuracy of information and prevent abuses such as disinformation, hate speech or media manipulation. On the one hand, users argue that the Internet should be an autonomous, open and self-regulated space, where the free flow of ideas prevails without undue state interference. On the other hand, the public authorities invoke their duty to protect the public interest and ensure that the “digital ecosystem” –as a network for social, economic and political communication– operates in accordance with principles of transparency, authenticity and respect for fundamental rights.

Added to this is a further challenge: the growing concentration of media power in the hands of actors with substantial financial or technological resources, whose ability to influence public opinion can distort the free flow of ideas and undermine democratic deliberation. In this regard, in Resolution 47/16 of the United Nations Human Rights Council of 13 July 2021

¹⁴ UN Resolution 78/213 on the “Promotion and protection of human rights in the context of digital technologies”, 19 December 2023, p. 6. Available in: <https://docs.un.org/en/a/res/78/213>.

on the “The promotion, protection and enjoyment of human rights on the Internet”, States were called upon to ensure net neutrality and to prohibit attempts by Internet access service providers to assign priority to certain types of Internet content or applications over others for payment or other commercial benefit.

Furthermore, in Resolution 47/16, the Council recognises that “the same rights that people have offline must also be protected online [...]”¹⁵. Finally, it highlights “the importance of building confidence and trust in the Internet, not least with regard to freedom of opinion and expression, privacy and other human rights, so that the potential of the Internet as, inter alia, an enabler for development and innovation can be realized”¹⁶.

Added to this is a further challenge: the growing concentration of media power in the hands of actors with substantial financial or technological resources, whose ability to influence public opinion can distort the free flow of ideas and undermine democratic deliberation. In this regard, UNESCO'S report “World trends in freedom of expression and media development: global report 2022/2025” noted a 10% decline in global freedom of expression and highlighted that “disinformation and hate speech are spreading across borders, eroding public trust in journalism and democratic institutions”¹⁷. As UN General Assembly Resolution A/RES/78/213 also concludes, this constitutes a real threat to democratic stability, since “disinformation can violate and abuse human rights, including privacy and the freedom of individuals to seek, receive and impart information, and to incite all forms of violence, hatred, discrimination and hostility, inter alia, racism, xenophobia, negative stereotyping and stigmatization”.¹⁸

In this context, and given the impact of ICTs on political participation —which has broadened the horizons of participatory democracy—¹⁹ it is essential to ensure that, without undermining freedom of expression, pluralism of information is always guaranteed, along with free, accessible, objective and truthful information that safeguards the independence of the

¹⁵ UN Resolution 47/16 on “The promotion, protection and enjoyment of human rights on the Internet”, adopted on 26 July 2021. Available in: https://digitallibrary.un.org/record/3937534/files/A_HRC_RES_47_16-EN.pdf.

¹⁶ Ibid.

¹⁷ UNESCO, “World trends in freedom of expression and media development: global report 2022/2025”, Paris, 2025, p. 51. Available in: <https://unesdoc.unesco.org/ark:/48223/pf0000396638>

¹⁸ UN Resolution 78/213 on the “Promotion and protection of human rights in the context of digital technologies”, 19 December 2023, p. 6. Available in: <https://docs.un.org/en/a/res/78/213>.

¹⁹ The Inter-American Commission on Human Rights (IACHR) has already recognised that the Internet is one of the technologies that has most empowered the exercise of freedom of expression, as it has transformed millions of people who were once passive recipients of information into active participants in public debate. IACHR, Special Rapporteur on Freedom of Expression, Standards for a Free, Open and Inclusive Internet, 15 March 2017, p. 38 (in Spanish). Available in: https://www.oas.org/es/cidh/expresion/docs/publicaciones/Internet_2016_esp.pdf.

opinions arising from it and access to knowledge without conditions imposed by private interests.²⁰

Consequently, constitutional law today faces the challenge of establishing rules that strike a balance between the impact of the Internet on the exercise of the right to freedom of expression, access to knowledge and the pillars of democracy, and the need for accurate, diverse and responsible information to circulate, thereby fostering trust and political neutrality in the digital sphere. In order to address this challenge, it is important to bear in mind that the fundamental rights enshrined in constitutions can be adapted to the new situations created by the digital environment so as to ensure their protection, thanks to the interpretative work of constitutional judges.

It is in this context that we judges must move towards the creation and implementation of regional standards for constitutional oversight, which will enable us to harmonise principles and procedures for the effective protection of rights previously recognised in the constitutions within digital environments.

Protection mechanisms against intrusive surveillance, misuse of data and discriminatory AI systems.

Rapid technological development and the expansion of AI have profoundly transformed the way in which societies generate knowledge, access information and make decisions. However, this progress has also created risks to human rights, particularly in relation to intrusive surveillance, the misuse of personal data and algorithmic discrimination. The mass collection and commercial reuse of data, coupled with the lack of effective oversight mechanisms, have given rise to new forms of digital vulnerability that threaten people's privacy, equality and dignity. In this regard, UNESCO, in its "Recommendation on the Ethics of Artificial Intelligence (2021–2024)", considered that:

"AI technologies can be of great service to humanity and all countries can benefit from them, but also raise fundamental ethical concerns, for instance regarding the biases they can embed and exacerbate, potentially resulting in discrimination, inequality, digital divides, exclusion and a threat to cultural, social and biological diversity and social or economic divides; the need for transparency and understandability of the workings of algorithms and the data with which they have been trained; and their potential impact on, including but not limited to, human dignity,

²⁰ In the report submitted pursuant to UN Human Rights Council resolution 52/9, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan, stated that "States should refrain from restricting freedom of expression both online and offline, including for the purposes of combating disinformation, except in accordance with the requirements of legality, necessity, proportionality and legitimate objectives as set out in international law". Report A/HRC/59/50 "Freedom of expression and elections in the digital age – Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression", p. 22. Available in: <https://docs.un.org/en/A/HRC/59/50>.

human rights and fundamental freedoms, gender equality, democracy, social, economic, political and cultural processes, scientific and engineering practices, animal welfare, and the environment and ecosystems”²¹.

So-called “algorithmic surveillance” manifests itself both in state control and security practices and in the commercial strategies of large technology corporations that use personal data as an economic resource. Through mass data collection, predictive analysis and the profiling of Internet users, surveillance mechanisms are being established that may infringe upon fundamental rights such as privacy, freedom of expression and equality.

Consequently, with regard to the rights of future generations, we are faced with the need for states to strengthen the mechanisms of control and legal protection that ensure a balance between the legitimate use of information and the preservation of privacy. In this regard, the OECD, in its document “Recommendation of the Council on Artificial Intelligence”, emphasises that “AI actors should respect the rule of law, human rights, democratic and human-centred values throughout the AI system lifecycle. These include non-discrimination and equality, freedom, dignity, autonomy of individuals, privacy and data protection, diversity, fairness, social justice, and internationally recognised labour rights. This also includes addressing misinformation and disinformation amplified by AI, while respecting freedom of expression and other rights and freedoms protected by applicable international law”.²²

In this context, digital connectivity and the use of AI tools present an additional challenge: the risk that structural biases and discriminatory practices may be reproduced in the data used to train AI systems, which can disproportionately affect historically vulnerable groups.²³

The use of artificial intelligence in the administration of justice

The development of AI has begun to profoundly transform the way the judicial system operates around the world. Beyond being a technological tool, AI represents a new paradigm in the administration of justice, by introducing algorithms capable of processing large volumes of legal information, identifying patterns in judicial decisions and offering

²¹ Recommendation on the Ethics of Artificial Intelligence, UNESCO, (2021/2024), p.5. Available in: <https://www.unesco.org/en/legal-affairs/recommendation-ethics-artificial-intelligence>

²² OECD, Recommendation of the Council on Artificial Intelligence, p. 4. <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0449>

²³ The UN General Assembly has also emphasised that “human rights and fundamental freedoms must be respected, protected and promoted throughout the life cycle of artificial intelligence systems”. Therefore, it “calls upon all Member States and, where applicable, other stakeholders to refrain from or cease the use of artificial intelligence systems that are impossible to operate in compliance with international human rights law or that pose undue risks to the enjoyment of human rights”. UN Resolution: Seizing the opportunities of safe, secure and trustworthy artificial intelligence systems for sustainable development, A/78/L.49, 21 March 2024. Available in: <https://docs.un.org/en/A/78/L.49>.

predictions regarding possible outcomes of legal proceedings. This technological revolution promises efficiency, but it also challenges the very foundations of the law and the judicial function: interpretation, motivation and judicial independence.

Algorithms can even influence the administration of justice and create risks that pave the way for flagrant violations of fundamental rights. In this context, the Constitution serves as both a constraint and a guide: calls for transparency and oversight of automated decisions, thereby ensuring that technical efficiency does not take the place of democratic legitimacy. Furthermore, constitutional supremacy implies that all functions performed by algorithmic systems must be subject to principles and rights such as due process, equality before the law and the protection of human dignity.

That is why algorithms cannot be viewed or examined as a realm separate from constitutionalism, but rather as an area that requires regulatory integration and institutional oversight. The public accountability enshrined in the Constitution must underpin the entire design, implementation and oversight of algorithms, thereby ensuring that technological innovation develops in harmony with democratic values and not to the detriment of them. In that sense, it cannot be said, in the words of Ferdinand Lassalle²⁴, that the constitution is today merely a “piece of paper”, as it was in his day in the face of the real internal forces of power.

AI can therefore serve as a tool to support judicial administration and the systematisation of case law, provided that it remains under human control and does not replace the judge. However, judicial ethics today must uphold not only impartiality and independence, but also a responsibility to scrutinise sources critically, be wary of manipulated narratives, ensure transparency in reasoning, and act as the final institutional safeguard against an environment where falsehoods can spread very quickly. At a time when public opinion is shaped on platforms subject to algorithmic biases and manipulation strategies, the constitutional judge must act as a guardian of truth, as a democratic value that preserves the legitimacy of the rule of law.

Conclusion

We have therefore reached at least three conclusions. *Firstly*, universal access to the Internet and information technologies is essential to ensuring full participation in contemporary society; for future generations, it will be a prerequisite for equal access to knowledge, science and education, amongst other areas in which technology and the Internet play a key role. *Secondly*, the rapid advance of ICTs and artificial intelligence poses challenges and raises concerns regarding the protection of various fundamental rights in the digital world, such as

²⁴On the Essence of Constitutions Ferdinand Lasalle. Speech Delivered in Berlin, April 16, 1862. <https://www.marxists.org/history/etol/newspape/fi/vol03/no01/lassalle.htm>

freedom of expression and privacy. This necessitates a reinterpretation of constitutional provisions and the establishment of legal mechanisms to ensure transparency, data protection and net neutrality. *Thirdly, whilst AI offers opportunities to improve the efficiency and systematisation of case law, its indiscriminate use may undermine fundamental principles such as due process, equality and judicial independence.* Similarly, the Internet, global connectivity and social media can undermine transparency in democratic decision-making processes. For this reason, emphasis is placed on the need to maintain human oversight and prevent algorithmic bias, as well as the manipulation of information by those in power and by special interests.