

**Remarks by the Minister for the Presidency, Justice and
Parliamentary Relations, His Excellency Mr Félix Bolaños
García**

Good morning,

Dear President of the Constitutional Court,

Dear Honorary President of the Venice Commission,

Dear Authorities,

Dear Presidents and members of the various constitutional courts and tribunals represented here,

Ladies and gentlemen,

Welcome to Madrid, welcome to Spain.

I hope that, as well as enjoying and making the most of this conference, you will also enjoy your stay in our capital and in our country. It is an honour for us to have you here.

It is a source of pride for me, in my capacity as Minister for the Presidency, Justice and Parliamentary Relations, with responsibility for constitutional affairs, to be able to address this Congress; at this sixth Congress of the World Conference on Constitutional Justice, which also addresses a highly topical issue: the human rights of future generations.

I believe that the speeches we have heard clearly highlight the importance of these issues.

We are living in uncertain times, when the multilateral world order, international law and human rights were firmly upheld and guaranteed by virtually all states. However, it seems that they are now under threat. At a time when multilateralism, human rights, international law and the rule of law are under threat, it is more necessary than ever to hold congresses such as this one, precisely so that we can all reflect together and reach conclusions that will ensure a better future.

The nearly ninety countries represented here are countries with constitutional courts that deserve not only respect, but also recognition as bodies that are essential to the defence of universal values.

Spain is a fully-fledged democracy and is unquestionably committed to democratic values, international law and human rights. And that is why I believe, when our country embraced democratisation and became a fully-fledged democracy many years ago, after suffering, like so many countries around the world (indeed, almost all countries around the world) some form of authoritarianism, that we embraced democratisation precisely to become part of that international community which is deeply committed to human rights and

constitutionalism. And that process of democratisation undertaken by many countries is closely linked to the establishment and institutionalisation of constitutional courts and courts responsible for safeguarding constitutional rights.

Nowadays, democracy cannot be understood without a Constitutional Court, without a court that specifically guarantees the protection of constitutional rights. Democracy is not just about respecting the will of the majority; above all, it is about ensuring that all citizens' rights are safeguarded.

There is no democracy where there is fear. Where people are afraid of those in power, where people are afraid to speak out, where people are afraid to express their views, where people are afraid to disagree. At that moment, freedom becomes something distant, something that is neither enjoyed nor exercised. And having rights that exist only in theory, without being able to exercise them or make them count, means nothing.

That is why you are all so vital, and why the work you carry out in your respective constitutional courts is so vital, because you uphold and ensure that rights are not merely words, but above all the exercise of those freedoms by citizens.

But the fact is that, in addition to protecting rights, the courts of constitutional guarantees and the constitutional courts must also work towards the implementation of these rights and, where possible, the extension of these rights for citizens.

Allow me to make two points here. Reference has been made to certain judgments of the African Court and the Court of Justice of the European Union.

Please allow me to refer to two very recent rulings by the Spanish Constitutional Court, one from 2023 and the other from 2024, which extend rights within the Spanish legal system.

The ruling of 9 May 2023, which guarantees women's right to voluntary termination of pregnancy in our country, does so in accordance with the fundamental rights enshrined in our country.

The Spanish Constitutional Court states that it requires the legislator to recognise an area of freedom in which women can reasonably, independently and without coercion of any kind, take the decision they deem most appropriate as to whether or not to continue pregnancy.

Furthermore, the second ruling, dated 6 November 2024, establishes equal employment rights for single biological mothers, recognising that the paternity leave to which both parents –the father and the mother– are entitled is transferred to the mother in the case of a single-parent family.

These are two rights that the Spanish Constitutional Court has extended, thereby adapting our country's legislation to improve citizens' living conditions.

I believe that there is no nobler task for constitutional courts, including the Spanish Constitutional Court, than to expand rights, to interpret the Constitution

so as to bring it into line with the times, and to extend the rights of our country's citizens.

Just like the adoption, recognition and consolidation of democracies around the world—a process that is still ongoing in some places—it was a process that was at times difficult, at times arduous, and always slow; so too was the establishment of constitutional courts in the role they all play today.

There was a heated debate over what the role of constitutional courts should be. A view that focused on political power as the interpreter of the Constitution, whereby its application depended on criteria that had little to do with constitutional law; and a second view focused on citizens' rights, their protection, their effective enforcement, and their adaptation to the circumstances and realities of the moment.

Fortunately, the debate was settled in favour of the second interpretation from the courts of constitutional guarantees—those that uphold, promote and protect citizens' fundamental rights and civil liberties.

The first of these interpretations led to one of the darkest periods in European history, whilst the second is ushering in the longest period of freedom, prosperity and human rights our continent has ever known.

The work of constitutional courts is therefore essential not only to advance the protection of rights, but also to prevent any attempts to roll back those rights – attempts that currently exist around the world.

That is why the commitment to democracy of the courts of constitutional guarantees that you represent here today is, without a doubt, a commitment to freedoms and fundamental rights.

I'll end almost as I began. Waves of democratisation across countries, and the consolidation of democratic systems around the world, are always subject to trends and periods of stagnation. Today, this decline is clearly evident in populist tendencies, the polarisation of societies, and the rise of post-truth – which is to say, lies.

All of these –populism, post-truth, polarisation– are enemies of democracy, enemies of free, clean and liveable societies.

That is why I propose—we propose—that we stand up for constitutional justice, that we stand up for constitutional patriotism, that we stand up for the defence of fundamental rights and civil liberties, that we stand up for the protection and safeguarding of citizens' rights, and also for the expansion and strengthening of those rights.

This is the crucial role that you play as members of the constitutional courts and the courts of constitutional guarantees.

Welcome to Spain, welcome to Madrid. I wish you that you enjoy this Congress. It is an honour for us to have you here. I hope you have a productive Congress

and that you'll certainly be able to find some time to enjoy the city of Madrid.
Thank you all. Good morning.