

**CONSTITUTIONALISM IN A PLURAL WORLD**  
**22-23 NOVEMBER 2017**  
**Porto Faculty of Law, Universidade Católica Portuguesa**

**22nd November**

*MORNING*

AUDITÓRIO CARVALHO GUERRA

9h00 Welcome

9h30 Opening Ceremony

**Manuel Fontaine Campos** (Dean of the Porto Faculty of Law, Universidade Católica Portuguesa)

10h00 **KEYNOTE SPEECH: RICHARD ALBERT** (Boston College)

- "Constitutional amendment and dismemberment"

**Period: 11h00-13h00**

**I - CONSTITUTIONAL AMENDMENT**

**Moderator: Richard Albert**

**Auditorium Carvalho Guerra**

- "Constitutional dismemberment" in the Portuguese transition to democracy?"

*Catarina Santos Botelho* (Assistant Professor, Porto Faculty of Law, Universidade Católica Portuguesa, Coordinator Council Member of ANESC)

- "Popular Constitution-Making: Towards amendment of traditional constitutional

amendment provisions"

Jurgen Goossens (Postdoctoral Research Fellow at Ghent University and Assistant Professor of Constitutional Law at Erasmus University of Rotterdam – LL.M. Yale Law School)

- "Unconstitutional Constitutional Amendments in Georgia: the Constitutional Court and judicial review of constitutional amendments"

Malkhaz Nakashidze (Fulbright Visiting Scholar - Boston College Law School, USA; Associate Professor - Batumi Shota Rustaveli State University, Georgia)

- "The People's Will within the paradox of the Unconstitutional amendment processes"

Neliana Rodean (University of Verona, Italy)

- "Impact of Constitutional Amendments on Interpretation by the Georgian Constitutional Court"

Nino Kashakashvili (Ph.D. student at Ivane Javakhishvili Tbilisi State University, Georgia)

- "Constitutional amendment 95/2016 and the limit for public expenses in Brazil: amendment or dismemberment?"

Bárbara Marianna de Mendonça Araújo Bertotti (Student at the Pontifical Catholic University of Paraná, Brasil)

## **II - CONSTITUTIONAL DOGMATICS**

**Moderator: Benedita Mac Crorie**

**Room: EC 105**

- "Constitutionalism and intergenerational justice: between past and future."

João Carlos Loureiro (Law Faculty of the University of Coimbra)

- "Incorporation or delegation? Sketching the constitutional implications of technical legislation"

Marta Morvillo (Post-doctoral researcher at the University of Bologna)

- "'Parametro Interposto': The Constitutionalization of International Law from an Italian Perspective"

Riccardo Perona (Lawyer and University Lecturer)

- "The distribution of power and Canadian federalism in a postmodernist analysis: critics to the partition of competences and comparisons with others federalists models"

Daniel Melo Garcia (Université Laval, Québec)

- "So that the dead cease to govern the living": the practice of constitutional evolution and intergenerational justice in plurinational Canada"

Catheryne Bélanger, Frédéric Perreault and Antoine Verret-Hamelin (Laval University, Québec, Canada)

AFTERNOON

**Period: 14h00-16h00**

### III - GLOBAL CONSTITUTIONALISM

**Moderator: Maria d'Oliveira Martins**

**Room: EC 105**

- "Global Standards of Constitutional Law: Epistemology and Methodology"

Maxime St-Hilaire (Faculté de droit - Université de Sherbrooke - Québec)

- "The role of hierarchy in global constitutionalism"

Martinho Lucas Pires (Nova Law School of Lisbon)

- "Constitutionalism beyond the State and the Question of the Limitation of Power"

Lilian Barros de Oliveira Almeida (Lawyer; Universidade de Lisboa)

### IV - FUNDAMENTAL RIGHTS AT RISK

**Moderator: Sofia Pinto Oliveira**

**Auditorium Carvalho Guerra**

- "The Rights of Older Persons"

Gordon DiGiacomo (Professor of Political Science at the University of Ottawa-Canada)

- "Protection of immigrant children and adolescents: a combination of competence, culture and protection"

Ísis Boll de Araujo Bastos (Doutoranda em Direito pela PUCRS)

Sebastião Patrício Mendes da Costa (Doutorado em Direito pela PUCRS)

- "The right to recognition: immigrants and refugees in Brazil and their right to a name"

Caio Cesar de Arruda (Faculdade de Direito de Curitiba)

Claudio Roberto Barbosa Filho (Faculdade de Direito da Universidade Federal do Paraná)

## **V - PROPORTIONALITY AND LEGAL REASONING**

**Moderator: Fátima Castro Moreira**

**Room EA 107**

- "Another Brick in the Wall? Constitutional Dialogues with the image of Christ"

Fabio Ferrari (University of Verona, Italy)

- "Margin of appreciation and bioethics"

Benedita Mac Crorie (School of Law – University of Minho)

- "Margin of appreciation and religious freedom"

Anabela Costa Leão (Faculty of Law – University of Porto)

**Period: 16h00-18h00**

## **VI - CONSTITUTIONAL PLURALISM**

**Moderator: Pedro Coutinho**

**Room EC 105**

- "Legal Pluralism in Islamic Jurisprudence"

Shams Al Din Al Hajjaji (Judge - North Cairo Primary Court)

- "Supranationalism as response to a plural world?"

Caroline Glöckle (Research assistant, University of Passau, Germany)

- "Shades of Constitutions and Constitutionalism as a 3-Dimensional Concept: National, Post-National and Co-owned Elements"

Constantinos Kombos (Law Department, University of Cyprus)

- "Constitutional Asymmetry and Multi-Tiered Multinational Systems: Shaken not Stirred. An empirical approach"

Maja Sahadžić (Researcher at the Faculty of Law, University of Antwerp, Belgium)

## VII - CONSTITUTIONALISM, PUBLIC SPENDITURE AND SOCIAL JUSTICE

**Moderator: Catarina Santos Botelho**

**Auditorium Carvalho Guerra**

- "Fair public spending: taking social justice seriously"

Maria d'Oliveira Martins (Law Faculty, Lisbon School, Universidade Católica Portuguesa)

- "À propos du statut constitutionnel de l'assurance vieillesse française."

Juliano Barra (École de droit, Université Paris 1 Panthéon - Sorbonne)

- "The Intervention of the State and the Role of the Individual in the Society under the Prism of Individual Freedom"

Rui Miguel Zeferino Ferreira (Arbitrator in administrative matters - Public Contracts, at the Administrative Arbitration Center - CAAD)

- "‘L’enfer, c’est les autres’. Populism today: new strategy, old formula. Can Human Rights and Constitutions outlast this old global phenomenon? The challenge of protecting Human Rights and Constitutional Guarantees through Economic Crises in an unequal country”

Ian Henrique Bertoldi (Law Student at UFPR-Brazil)

## **23rd November**

*MORNING*

**Period: 9h00-11h00**

### **VIII - EUROPEAN CONSTITUTIONALISM**

**Moderator: Sofia Pais**

**Auditorium Carvalho Guerra**

- “Pluralism Confined? Regulation of Political Parties – European Standards and Case Studies from Hungary”

*Peter Smuk* (Associate Professor - Department of Constitutional Law and Political Sciences, Széchenyi István University, Győr, Hungary)

- "Things we lost in the fire: EU constitutionalism after Brexit"

*Patrícia Fragoso Martins* (Faculty of Law, Lisbon School, Universidade Católica Portuguesa)

- "European Constitutionalism and the multilevel parliamentary field: towards a legisprudential role of National Parliaments?"

*Luís Heleno Terrinha* (Porto Faculty of Law, Universidade Católica Portuguesa)

- “Lawmaking in disputed areas controlled and influenced by EU”

*Attila Nagy* (Lawyer at Local Government Administration, City of Subotica, Serbia)

- “Constitutional challenges against the EU – Canada Free Trade Agreement: Canadian and European Perspectives”

*Mário Simões Barata* (Adjunct Professor of Law and Political Science – Polytechnic Institute of Leiria)

- "Intra-EU investment disputes: Implications for the autonomy of the EU legal order"

*Marta Vicente* (Invited Lecturer at Porto Faculty of Law, Universidade Católica Portuguesa)

## **IX - CONSTITUTIONAL COURTS**

**Moderator: Paulo Pichel**

**Room EC 105**

- "Like oil and water? Decision-Making by the Turkish Constitutional Court"

Maria Haimerl (Humboldt-Universität zu Berlin)

- "The Congress in the Court: Analysis of the use of constitutional complaints by members of Congress in Colombia 1992-2015"

Santiago Virgüez Ruiz (Universidad de los Andes, Bogotá, Colombia)

- "The Role of Turkish Constitutional Court in the Democratization Process of Turkey: From 2002 to Present"

Volkan Aslan (Research Assistant at Istanbul University Faculty of Law, Department of Constitutional Law)

## **X - FUNDAMENTAL RIGHTS AND PLURALISM**

**Moderator: Filipe Cerqueira Alves**

**Room EA 107**

- "Constitutional right to conscientious objection: an adequate response to moral and religious pluralism?"

Wojciech Brzozowski (Faculty of Law and Administration University of Warsaw, Poland)

- "Beyond Judicial Protection: Empowering Minorities in a Pluralistic America"

Franciska A. Coleman (Yonsei University Law School, Seoul, Korea)

- "Democracy in crisis and political propaganda of appeal to the masses: Influence on minority rights"

Isa António (ISCET - Instituto Superior de Ciências Empresariais e do Turismo, Porto, Portugal)

**Period: 11h30-13h30**

**XI - JUDICIAL REVIEW**

**Moderator: Luís Heleno Terrinha**

**Auditorium Carvalho Guerra**

- "The 'empirical turn' in constitutional adjudication"

Leonid Sirota (AUT Law School - New Zealand)

- "International Judicial Review in a Diverse World: the Pros and Cons of Deference"

Johannes Hendrik Fahner (LL.M. M.A., University of Amsterdam and University of Luxembourg)

- "Taricco and its sons: a 'dangerous' exercise of judicial cooperation?"

Marco Bassini (Bocconi University - Law Department)

- "Judicial Activism and judicialization of politics in Brazil. How political ideologies impacts constitutional decision-making and affects the rule of law"

Allan Augusto Antonio (Presbyterian University Mackenzie, Brazil)

**XII - MULTILEVEL PROTECTION OF HUMAN RIGHTS**

**Moderator: Marta Vicente**

**Room EA 107**

- "Values and Charter Interpretation"

Catheryne Bélanger (Faculty of Law, Laval University, Québec, Canada)

- "Bringing Human Dignity back to Light: the Case of Social Rights Protection in a Multilevel Perspective."

Antonia Baraggia (Emile Noël Fellow, New York University)

Maria Elena Gennusa (Associate Professor, University of Pavia)

- "Another brick in the wall? Shaping mutual trust between courts in the European multilevel system of fundamental rights protection"



Marco Galimberti (PhD Student in Public and International Law, University of Milano-Bicocca)

### **XIII - CONSTITUTIONAL REALITY AND CONTEXT**

**Moderator: Nuno Sousa e Silva**

**Room EC 105**

- "Beyond Constitutional Rules: the case of the Constitution of the Portuguese Republic of 1976"

André Azevedo Alves (Institute of Political Studies, IEP-UCP)

Daniela Silva (IEP-UCP)

Inês Gregório (IEP-UCP)

- "Electoral authoritarianism and Political dominance: Foundations of unconstitutional stability and constitutional instability in Sub-Saharan Africa"

Duncan Okubasu (Advocate; Lecturer, Kabarak University)

- "Discuss Your Own Constitution!": Soviet Dissident Writings on the 1977 USSR Constitution and Their Impact on the 1993 Russian Constitution"

Kirill Koroteev (Legal Director, Human Rights Centre "Memorial", Moscow)

*AFTERNOON*

**Period: 14h30-16h30**

### **XIV - CONSTITUTIONALISM IN THE DIGITAL AGE**

**Moderator: Ingo Wolfgang Sarlet**

**Room EC 105**

- "Digital Constitutionalism in the Age of Protest: The Right to Virtual Assembly"

Miguel Calmon Dantas (Professor of Universidade Federal da Bahia and of Unifacs – Universidade Salvador)

Vitor Soliano (Professor of Unifacs – Universidade Salvador)

- “Data Protection Rights and Surveillance: a comparative perspective in the European Context”

Monica Cappelletti (Post-doc researcher at School of Law and Government, Dublin City University [DCU], Ireland)

- "The Fundamental Rights in Data Protection – A transnational problem with different approaches: a comparative study"

Sofia Felício Caseiro (Researcher at Católica Research Centre for the Future of Law - Universidade Católica Portuguesa)

## **XV - CONSTITUTIONALISM AND CITIZENSHIP**

**Moderator: Gonçalo Saraiva Matias**

**Room EA 107**

- "The citizenship-migration relationship through the lens of EU law. A possible way to address the challenges waiting the European Union"

Gracy Pelacani (Visiting Professor, Law Department - Pompeu Fabra University, Barcelona)

- "Building a democratic citizenship"

Luísa Neto (Law Faculty of the University of Porto, Portugal)

- "'*Ceci est une fiction*': Constitutional *referendums* in the federal state of Belgium. Comparative constitutionalism as a source of inspiration"

Daan Bijmens & Stef Keunen (PhD-researchers, Faculty of Law, Hasselt University, Belgium)

- “Sovereignty and state of exception in the refugee crisis: constitutionalism in a Europe of interdependent states”

Samo Bardutzky (University of Ljubljana)

## **XVI - CONSTITUTIONAL CHALLENGES**

**Moderator: Pedro Coutinho**

**Room EA 109**

- "Symbiotic Interpretation: Reading Constitutions Through National Laws - (And Not

Only the Other Way Around)"

Roman Zinigrad (Yale Law School)

- "The security and defence aspects in the Constitution of the Republic of Poland"

Malwina Kolodziejczak (Assistant, Department of Security Law, Institute of Law and Administration, War Studies University, Warsaw)

- "Freedom, security and justice area and the European Arrest Warrant: when (no) mutual trust on the conditions of detention justifies their non-implementation"

Dora Resende Alves (Universidade Portucalense Infante D. Henrique)

Fátima Pacheco (ISCAP, IPP)

## **XVII - MULTILEVEL CONSTITUTIONALISM**

**Moderator: Rui Medeiros**

**Auditorium Carvalho Guerra**

- "The role of Charter of Fundamental Rights of the European Union in the Deepening of EU Multilevel Constitutionalism"

Ondrej Hamulak (Assistant Professor at Faculty of Law, Palacký University Olomouc, Jean Monnet Chair in EU Law)

- "Cultural diversity, legal pluralism and fundamental rights: The 'multicultural jurisprudence' of Portuguese courts in comparative perspective"

Patrícia Jerónimo (Law School of the University of Minho)

- "Are territorial limits the border for fundamental rights?"

Sofia Pinto Oliveira (Law School of the University of Minho)

- "EU fundamental rights at the crossroads of EU constitutionalism"

Sophie Perez Fernandes (Law School of the University of Minho)

- "Fundamental rights protection in European legal space - Extracts from the evolution of Court of Justice of European Union and European Court of Human Rights jurisprudence"

Marija Daka (PhD candidate, University of Pecs, Hungary)

**Period: 17h00-18H30**

## GENERAL SESSION

**Moderator: Catarina Santos Botelho**

**Auditorium Carvalho Guerra**

- "Personality Rights und their Protection in the Digital Age - The case of the right to be forgotten"

Ingo Wolfgang Sarlet (PUC-RS, Appeal Judge at Rio Grande do Sul Court of Justice)

- "Italian Constitutional Court and social rights in times of crisis: in search of a balance between principles and values of contemporary constitutionalism"

Giovanni Guiglia (Università di Verona, General Coordinator of ANESC)

- "Is Democracy Killing Constitutionalism or Constitutionalism Killing Democracy?"

Miguel Poiares Maduro (European Univerity Institute, Florence)

- "Federalism as a Constitutional Tool for a Plural World?"

Holger Hestermeyer (King's College London)

- 'We the People': Popular Sovereignty and Constituent Power

Gonçalo Almeida Ribeiro (Portuguese Constitutional Court Judge)

## **18H30: CLOSING CEREMONY**

**Catarina Santos Botelho**

**Luís Heleno Terrinha**

**Pedro Coutinho**