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Editors





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The World Continues to Grow Smaller

Richard Albert, David Landau, Pietro Faraguna and Giulia Andrade

When we created the Global Review of Constitutional Law in 2016, our aspiration was to make the world smaller and more familiar, by making the high court case law of the jurisdictions of the world available in English.

Seven years later, we continue to make the world smaller, and hope to make it ever more in the years ahead.

This edition of the Global Review is special for two reasons.

First, it marks the second year of our new relationship with our publisher, Edizioni Università di Trieste (EUT), an outstanding academic press that has partnered with us to produce this magnificent resource for constitutional scholars around the world.

Second, we have a new co-editor on the team: Giulia Andrade, a scholar and attorney in Brazil. Giulia brings an abundance of academic experience, complemented by her practical experience as a lawyer. We are grateful to have her on the team, and we look forward to many years together with her in this global collaboration.

As always, the principal purpose of the Global Review remains the same this year: to offer readers systemic knowledge about jurisdiction-specific constitutional law that has previously been limited mainly to local networks rather than a broader readership. The Global Review has been useful to judges, academics, elected and appointed officials, and also to laypersons and beyond. This, for us, makes it all worth the effort.

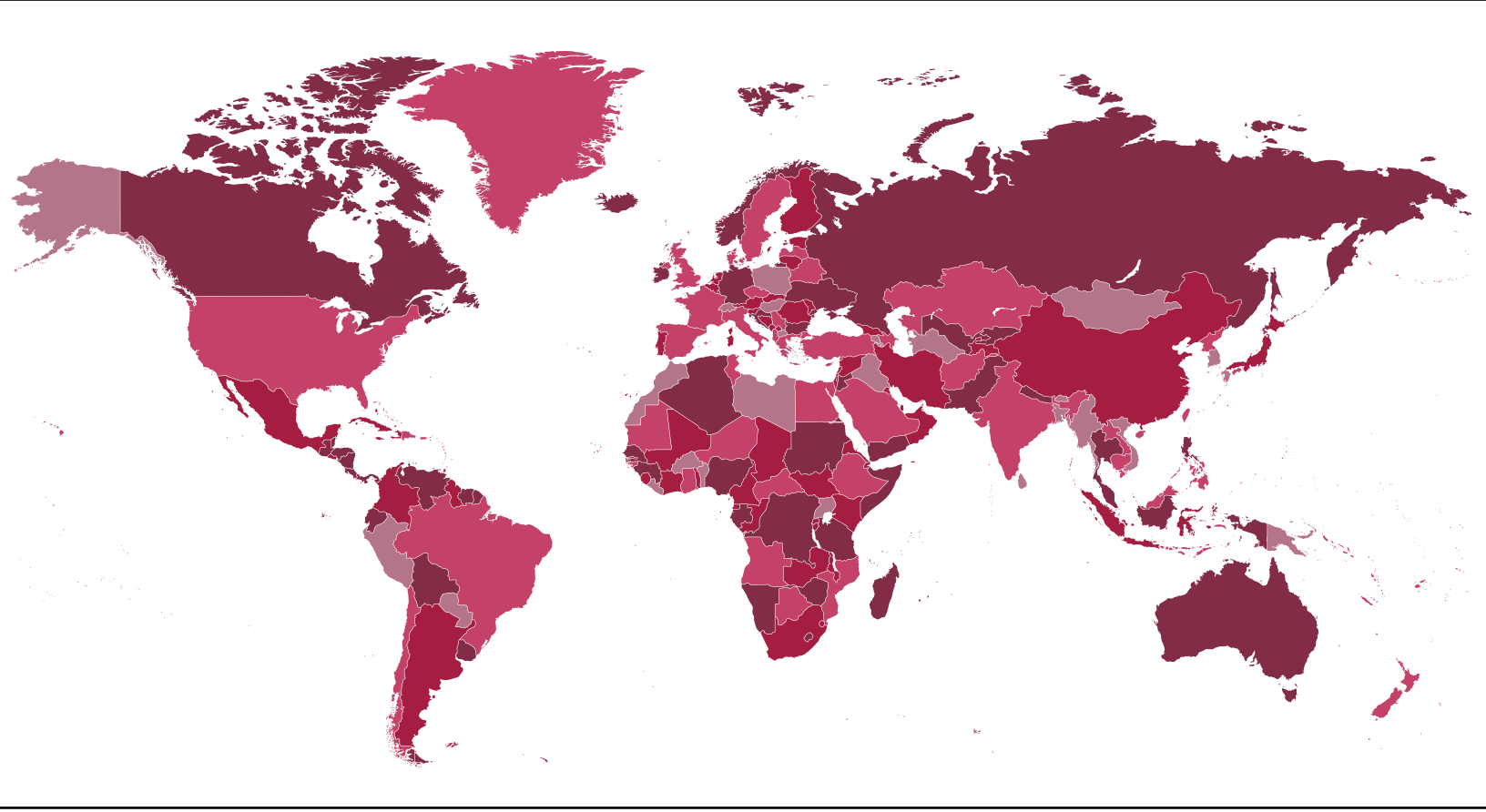
We close with a few thanks. First, to Mauro Rossi of EUT for publishing this splendid book. Second, to Elena Tonzar for her creativity and care in designing this beautiful volume. Third, to the Constitutional Studies Program at the University of Texas at Austin for sponsoring the publication of this book.

And most of all, we thank our contributors for their outstanding reports. It is because of them that this book is possible. We exclaim our enthusiastic thanks and gratitude to them.

We invite any scholars and judges interested in producing a report for the 2023 edition to contact us. And, of course, we always welcome feedback, recommendations, and questions from our readers.

Happy reading!

JURISDICTIONAL REPORTS





Colombia

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I. INTRODUCTION

The year 2022 in Colombia was marked by presidential and congressional elections. In Section II we discuss its implications for the constitutional landscape in the country. Furthermore, the agenda of the Constitutional Court in that year featured legal debates related to liberties, democracy and political rights, and Social Rights and Sustainable Development. Section III discusses nine judgments of the Court in three subsections. First, three rulings concerning liberties are discussed. These cases revolve around the right to abortion, the right to a dignified death, and the right to access information in cases of sexual abuse. Secondly, three cases concerning Social Rights and Sustainable Development are analyzed. These cases relate to the conditions of inmates in temporary detention centers, safety measures for former guerilla members, and the constitutionality of recreational fishing. Thirdly, three cases concerning democracy and political rights are discussed. These cases address the status of Venezuelan children in situations of abandonment, the annulment of a Mayor's election, and the scope of extraordinary law-making powers of the Colombian president. Finally, Section IV provides an overview of potential constitutional developments in the years to come.

II. MAJOR CONSTITUTIONAL DEVELOPMENTS

On August 7, 2022, Gustavo Petro and Francia Márquez assumed office as President and

Vice President of Colombia, respectively. After two rounds of presidential elections, the coalition “Pacto Histórico” won by three percentage points over the independent candidate Rodolfo Hernández. On the same day, a new Congress with a center-left majority was installed. This means that during his government (2022-2026), Petro will have a strong bench in the Senate and the House of Representatives, which might enable him to pursue his government program, including a large number of reforms with a particular emphasis on labor and social rights.

The path of this traditional leader of the opposition to the presidency has been long and complex. Petro became, allegedly, the first leftist president of Colombia after a long political career as a senator and Mayor of Bogotá (2012-2015). The campaign of 2022 was his third presidential candidacy. This time, his political campaign employed a discourse of popular representation, distancing himself from the elites. At the same time, his campaign was significantly boosted by Francia Márquez, the first black vice president in the history of Colombia.

On August 8, just one day into Petro's presidency, the national government submitted a tax reform bill to the consideration of Congress. This bill aimed to levy around \$4 billion annually between 2022-2026 and was passed by Congress on November 3. Among other measures, this tax reform raised income taxes for the upper middle class and duties on coal and crude oil, cut tax benefits for both companies and individuals, and imposed taxes on ultra-processed beverages and food products, single-use plastics and carbon¹.

Members of the opposition claim that the overall revenues will be lower, accompanied by greater instability in the economy and a decline in foreign investment. As of December 2022, Colombia faced a high level of public debt, an economy still heavily dependent on fossil fuels, annual inflation rates of 13.1%, and strong devaluation of its currency (down 20.82%), according to the Colombian Central Bank².

In 2023, it is expected that the government's next reform will relate to the health system, encompassing profound legal and institutional changes. This is of particular importance for the constitutional jurisdiction in the country, given that 24.79% of the *tutela* actions filed in Colombia concern the right to health, according to statistics from the Constitutional Court³.

III. CONSTITUTIONAL CASES

1. Cases Concerning Liberties

Three decisions concerning liberties stand out that suggests a tendency for the increased protection of rights. On the one hand, in 2022, the protection of the right to an abortion and to a dignified death was expanded. On the other hand, access to information and freedom of expression in cases of sexual abuse committed by members of religious groups was also expanded.

1.1. The right to abortion: moving from a grounds-only regime to one of terms and grounds

In ruling C-055 of 2022⁴, the Constitutional Court modified its precedent established in judgement C-355 of 2006⁵ in relation to the right to abortion. In the latter, the Court had declared that the norms criminalizing the voluntary termination of pregnancy (Penal Code, Article 122) were compatible with the Constitution. However, the Court allowed abortion in only three cases. First, when the continuation of the pregnancy constituted a danger to the life or health of the woman. Secondly, in the presence of a serious malformation of the fetus that makes its life in-

viable. Finally, when the pregnancy is the result of conduct, duly denounced, constituting carnal access or sexual intercourse without consent, abusive or non-consensual artificial insemination or transfer of fertilized egg, or incest.

Seventeen years later, the same norms were reviewed by the Court. This was a strategic litigation case in which a group of organizations (*Causa Justa*) asked the Court to review its 2006 decision and move towards the full decriminalization of abortion. The lawsuit argued that women's sexual and reproductive rights, the right to equality, the free exercise of the medical profession, freedom of conscience, the secular State, and the purposes justifying penalties, were violated. These organizations considered that the system of grounds established in 2006 was not sufficient to guarantee the free exercise of the right to abortion.

One of the most interesting aspects of this decision is the Court's justification of the aforementioned norms once more. The Court argued that the grounds of the new case had not been considered in the 2006 decision. Additionally, the Court posited that there was no *res judicata* because, in the last fifteen years, there were relevant normative changes (domestic and international) that modified the material interpretation of the Constitution (new material meaning of the Constitution). The Court thus analyzed the evolution of its own jurisprudence on abortion and the changes in the content of that right at the international level.

In its decision, the Court made incremental progress in protecting the right to abortion. The Court ruled that Congress must enact norms to protect the right to life (at all stages) but argued that criminal law was not adequate to resolve the tension between all the rights involved in the voluntary termination of pregnancy. The most significant development of this decision is the Court's modification of the 2006 regime of explicit exceptions towards one of the time limits. The Court decided that in no case can abortion be penalized when it is performed within 24 weeks of pregnancy. Additionally, it upheld the regime's exceptions for abortions after the 24th week. This means that the exercise

of the right to abortion cannot be prosecuted during the first 24 weeks of pregnancy, while it can only be punished outside of the three grounds established in 2006 after the 24th week.

In a similar way to the 2006 decision, a significant share of the justices dissented (Ibáñez, Ortiz, Meneses, and Pardo). Even those who supported the majority position presented special reasons through concurring votes (Fajardo, Reyes, and Rojas). With this decision, Colombia became one of the countries with the most expansive right to abortion in Latin America. The Constitutional Court sought to eliminate the material barriers that prevent women from freely exercising this right. However, this does not seem to be an outcome that should be entrusted to a single ruling. It is necessary to eliminate the material barriers (cultural, educational, economic) that prevent the free exercise of sexual and reproductive rights of women.

1.2. The right to a dignified death: medically-assisted suicide should not be prosecuted

The second decision concerning liberties did also involve a revisiting of precedents for the Court. In Ruling C-164 of 2022⁶, the Court analyzed the norms that criminalize the assisting of suicide. In Judgment C-239 of 1997⁷, the Court had established that the right to life with dignity included the right to a dignified death. Thus, facilitating the death of a person under intense suffering from an incurable disease should not be prosecuted.

In the ruling of 2022, the Court decided that the crime of assisted suicide is not materialized when the treatment is provided by a professional physician and in the presence of prior, informed, free, and conscious consent of the patient. This treatment can only be performed on patients suffering from an incurable condition causing severe pain. In other words, the Court held that suicide assistance is an act performed by a qualified person in the exercise of the constitutional duty of social solidarity. It entails a human being acting with the aim of putting an end to the suffering of another at her request.

This decision (as the previous one) has in common an essential line of contemporary constitutional jurisprudence: the inadequacy of criminal prosecution as a mechanism to protect or regulate fundamental rights. In both decisions, the Court invited the State's response to assisted suicide to steer away from criminal prosecution. With these rulings, the Court addressed a sustained phenomenon of criminal populism in which criminal punishment is the only answer to social problems. This jurisprudence not only limits the application of criminal law but also sends a message: the deepest social disagreements should not be resolved with a mechanism of punitive punishment.

1.3. Access to information in cases of sexual abuse committed by church members

The third case relates to a *tutela* action filed by a journalist for the protection of the right to the access of information⁸. The journalist had published several books including allegations of sexual abuse against members of the Catholic Church. However, the religious authorities had imposed barriers to access information about 900 other people (priests) who could be involved in the same acts. In particular, the religious authorities denied him the information alleging it was private information, that it could affect the outcome of investigations inside the church, and that the information could potentially threaten the children involved.

In its decision, the Constitutional Court upheld the prevalence of children's rights. Among these rights, the Court referred to the right to truth, justice, and reparation to which children who have been victims of sexual violence are entitled. In this context, the Court reiterated that access to information is important to the proper functioning of the democratic system. Additionally, it is a fundamental right that acquires greater value when its holders are investigative journalists. Furthermore, the Court indicated that this information was semi-private but had public relevance and interest. The social relevance of information justifies that journalists can access such data as a tool to investigate and punish the conduct of sexual violence. Finally, the Court warned that such information

must be managed with the utmost respect for the presumption of innocence.

The Court ordered the religious authorities to provide the journalist with the relevant information. The Court argued that norms of Canon Law cannot prevent access to information and concluded that the request was not for information about children but about priests who may have committed acts of sexual violence. The Court emphasized that the information had social relevance given the journalistic role of the person requesting access to it.

This decision is intended to ensure open public debate, even in the face of serious cases of violations of children's rights by religious authorities. It also clarifies the limits of access when it comes to documents that may compromise the presumption of innocence and due diligence in the handling of such information.

2. Cases concerning Social Rights and Sustainable Development

2.1. Unconstitutional state of affairs in relation to temporary detention centers

An important ruling from the Constitutional Court in 2022 addressed the living conditions of prisoners in temporary detention centers in Colombia⁹. Yet, to facilitate the understanding of this judgment, we will provide some context.

In 1998, in the decision T-153/98¹⁰, the Constitutional Court declared an unconstitutional state of affairs in the prison system due to the grim conditions and overpopulation facing inmates. This situation has been reiterated by the C^{11 12}. Of particular importance was the decision T-388/13, in which the Court ordered a set of structural measures to address the overpopulation in prison.

Among those measures, the Court developed the downward balance (*equilibrio decreciente*) rule, which implied that prisons could accept new inmates in any number only if an equal or higher number of inmates had left the prison in the same period. This principle aimed at slowly reducing the occupancy lev-

els in prisons up to the point of equilibrium, in which the number of prisoners met the capacity of the prisons, granting them suitable conditions.

Fast-forwarding to 2022, the Court revised several *tutela* actions filed on behalf of prisoners kept in temporary detention centers (mainly cells in police stations). The petitioners claimed to live in inhumane conditions, mainly due to overcrowding and the lack of infrastructure and basic services in such temporary centers, originally designed exclusively for short-term imprisonment (up to thirty-six hours). This meant that inmates in these facilities were not guaranteed the same rights as those kept in larger prisons. Hence, the claimants asked the Court to declare a violation of their fundamental rights and order the public authorities responsible for the prison system to act accordingly.

In its reasoning, the Court discovered that the overcrowding of temporary detention centers was partly attributable to the strict application of the aforementioned downward balance requirement set by the Court itself. Indeed, judges and prison directors were rejecting applications for inmates in temporary facilities to be transferred to prisons in the application of the rule of balance set by the Court. Thus, police stations were forced to keep an exceeding number of prisoners in facilities not suitable for long stays. This imbalance created a systematic violation of the rights of inmates kept in temporary facilities, further aggravated by the lack of infrastructure and services regularly offered in permanent prisons, e.g., healthcare facilities, rooms for private interviews with lawyers and relatives, etc.

Consequently, in a 5-3 decision, the Court extended the unconstitutional state of affairs of the prison system to the conditions of temporary detention centers, in light of the systematic violation of rights evidenced in the case at hand. To address the situation, the Court devised a six-year action plan with short and long-term measures aimed at facilitating the necessary structural transformations in the prison system and ultimately guaranteeing the fundamental rights of prisoners.

The short-term plan included a suspension of the downward balance rule in order to allow all prisoners kept in temporary detention centers to be transferred to permanent prisons within two months of the judgment. At the same time, the Court ordered the public authorities in charge of temporary facilities to ensure minimum sanitary conditions, access to healthcare, and facilities for private visits for their prisoners.

Finally, the Court's long-term plan encompassed measures addressing structural problems of Colombia's prison system. Among others, the Court ordered the Ministries of Justice and Finance to ensure the funds necessary to increase the operational capacity of the prison system and ordered governors and mayors to build more prisons or refurbish existing ones.

2.2. Safety of former guerrilla members

Another declaration of an unconstitutional state of affairs in Colombia was issued by the Constitutional Court in relation to the safety of former guerrilla members signatories of the peace agreement of 2016¹³. A group of former combatants lodged *tutela* actions for the protection of their rights to life and personal integrity, in light of constant threats from illegal arms groups. According to the claimants, the National Protection Agency (UNP) had consistently ignored their petitions for upgraded security schemes, thus putting their lives at risk.

In the study of the case at hand, the Court highlighted the importance of ensuring the safety of former guerrilla members to achieve the stable and lasting peace pursued by the peace agreement of 2016. The Court further ascertained that around three hundred former combatants had been murdered in recent years. Many of the interveners in the case, including the president of the Special Jurisdiction for Peace, suggested that the continuous threats on the life of the claimants were partly attributable to their stigmatization by local and national public authorities.

Therefore, the Court recalled the obligation of the State at all levels to ensure the safety of the petitioners and the need to ensure that the State's public statements in relation to

former combatants were issued in respectful and constructive language.

Given the widespread threats on the lives of the claimants and the State's systematic failure to comply with its obligations to protect them, the Court declared an unconstitutional state of affairs concerning the personal integrity of former guerrilla members. Consequently, the Court ordered the National Protection Agency to implement the necessary security measures to protect the life and physical security of former combatants. At the same time, the Court ordered the government to allocate the funds necessary to ensure the safety of the claimants.

The justices Meneses, Ortiz, and Lizarazo dissented. In their view, the Court was wrong in declaring an unconstitutional state of affairs in relation to the safety of former guerrilla members. Their safety concerns did not imply a situation in which public authorities systematically neglected their constitutional obligations towards former combatants. Furthermore, the dissenting justices argued that the Court's intervention in this case went beyond the scope of its authority, as it became a *de facto* enforcer of the peace agreement of 2016. Finally, the dissent claimed that the deadlines granted by the Court to comply with its orders were exceedingly short (1-2 months in some cases). For the dissenting justices, such short terms disrupted the institutional framework for the enforcement of the peace agreement.

3. Recreational Fishing vis-à-vis the protection of animal welfare

Last but not least, a very interesting ruling was handed down by the Court in relation to the constitutional protection of animal welfare. In the decision C-148/22¹⁴, the Court reviewed a series of norms regulating recreational fishing in Colombia¹⁵ after a citizen challenged the compatibility of such norms with the Colombian Constitution¹⁶.

The petitioner claimed that such norms were inconsistent with articles 8 (obligation of the state to protect natural and cultural heritage), 67 (right to education and culture), 79 (right to a healthy environment), 80 (management and use of natural resources), and 332 (state

property of natural resources) of the Colombian Constitution. In the view of the petitioner, the practice of recreational fishing, legally defined as fishing with no purpose other than the enjoyment of the fisher, ran counter to the purpose of environmental education enshrined in the constitution. Furthermore, recreational fishing violated the mandate of sustainable development and the right to a healthy environment under the constitution by depleting the stock of fish available for other legitimate purposes.

In an 8-1 decision, the Constitutional Court sided with the claimant and banned recreational fishing in Colombia. The two main grounds for the decision were the protection of animal welfare and the precautionary principle. Concerning the former, the Court recalled the precedent set by the judgment C-045/19, where the Court banned sport hunting in Colombia¹⁷. Drawing on this precedent, the Court concluded that fish were sentient beings in a similar way as the mammals and birds involved in sport hunting. Thus, they deserved to be protected from unjustified harm inflicted on individual beings and not simply for their value as biodiversity.

In relation to the latter, the Court concluded that recreational fishing posed a high risk of negative impacts on the environment and the welfare of aquatic fauna. Since the only aim of recreational fishing is the entertainment of the fisher, the risk of environmental harm and animal cruelty posed by this activity was unacceptable. To prevent the potential environmental effects and the cruelty caused by recreational fishing, it was insufficient for the State to simply regulate such activity. Its prohibition was then necessary. Finally, the Court declared that the effects of its judgment would only take place one year later, in order to provide the State and the citizens with enough time to adapt to the decision.

4. Cases concerning Political Rights, Democracy and Separation of Powers

4.1. Colombian nationality for Venezuelan children in situation of abandonment

In the decision SU-180/2022¹⁸, the Court considered the case of a Venezuelan child with ir-

regular migrant status in Colombia. The child was under the protection of the ICBF, the authority in charge of the integral protection of children in Colombia. After a thorough enquiry, the ICBF concluded that the child did not have any known relatives that could look after him. The authorities attempted to take the child back to Venezuela, but the broken diplomatic relation with the neighboring country made it impossible. At the same time, authorities sought to facilitate the adoption of the child. However, such an alternative was unfeasible because the child, despite residing in Colombia, did not have Colombian nationality.

The authorities then requested that the Ministry of Foreign Affairs grant the child Colombian nationality through adoption. Yet, such a request was further denied due to the irregular migrant status of the child. The plaintiff thus claimed that there was a legal vacuum regarding Venezuelan minors in conditions of abandonment which entailed a discriminatory treatment of children based on their origin, which posed an imminent risk of “factual statelessness”.

In its decision, the Court took into account articles 44 and 100 of the Colombian Constitution on the principle of the best interest of the child and the prevalence of their rights, together with the rules of international law on the protection of unaccompanied or separated migrant minors. The Court then concluded that there is a duty of assistance and protection of children that should prevail over the application of legal requirements. In the view of the Court, maintaining legal barriers, even more so when the regulations for obtaining nationality by adoption allow for exceptional cases, reinforces the situation of discrimination against this population, particularly disproportionate and unreasonable in the case of a minor.

In its decision, the Constitutional Court protected the fundamental rights of the child and extended the effects of the judgment to all children of Venezuelan origin, irregular migrants in a situation of abandonment who could prove at least one year of domicile in Colombia. At the same time, it ordered the Colombian President to adopt the necessary mechanisms to promote the search of the

child’s relatives in Venezuela. Finally, it ordered Congress to regulate the migrant status of Venezuelan children and adolescents in situations of abandonment.

Fajardo, Linares, Lizarazo, and Ángel dissented. Although they upheld the need to protect the rights of the minor, they disagreed with the decision to extend the effects of the ruling to all children in the same situation. They consider that the granting of nationality to facilitate the process of adoption is not always an adequate solution to safeguard the rights of minors in irregular migration situations. For them, it is important to review the measures according to each specific case.

4.2. Electoral nullity due to double militancy: Mayor of Girón, Santander

By means of Decision SU 213/2022¹⁹, the Constitutional Court confirmed the annulment of the election of the former Mayor of Girón, a municipality in the northeast of the country. In July 2019, Roman Ochoa, a member of the *Alianza Verde* party, registered as a candidate for the mayoral elections of the municipality of Girón with the endorsement of a coalition of eight political parties and two political movements. The EC (highest authority of the administrative jurisdiction) declared the electoral nullity of his election based on the grounds of double militancy in the modality of support provided in Article 2 of Law 1475 of 2011²⁰.

In the view of the EC, by being a member of the *Alianza Verde* party, Ochoa should have supported the candidacy registered and endorsed by this party for the election of the Governor of Santander. Despite this, Ochoa endorsed the candidacy of another political party. Even though his party had formed a coalition with the other party for the election of Mayor of Girón, it decided nevertheless to form an alliance with a different set of parties for the election of Governor. Consequently, Mr. Roman Ochoa filed a *tutela* action against the decision of the EC for violation of the right to due process, to elect and be elected, and to the autonomy of the parties.

On this occasion, the Constitutional Court confirmed the decision issued by the EC and

established that coalition candidacies are not exempted from the constitutional and statutory prohibition of double militancy. According to the Court, the candidates of a coalition must demonstrate loyalty and discipline, first, to their party of origin and, second, to the other parties and political movements that are part of the coalition.

Three justices dissented. For Justice Ortiz, when determining the scope of the prohibition of double militancy, the Court should have taken into account the constitutional principles of free choice of candidates, autonomy of political parties, and full observance of political rights. In the case of coalitions of parties or movements, the Constitution created this figure precisely to unite ideology and political parties of different origins and positions, hence its scope of exercise goes beyond the interest of the party of origin. Justices Linares and Lizarazo further claimed that the decision SU 213/2022 ignores the criteria of restrictive interpretation of the prohibition of double militancy.

4.3. Exceeding of presidential powers

In Decision C-090/2022²¹, the Constitutional Court resolved a challenge against the constitutionality of Title XIII on “strengthening of the fiscal responsibility process” of Decree Law 403/2020 and concluded that the President of the Republic exceeded the legislative competence conferred by the derived constitution.

For the plaintiff, the transitory paragraph of Article 268 of the Constitution, introduced by Legislative Act 04 of 2019²², granted the President of the Republic extraordinary lawmaking powers in relation to the matters expressly outlined in this article and in the legislative act, which deal mainly with the labor regime of the officials of the Government Accountability Office and preventive fiscal control. For the plaintiff, the general term “fiscal control” cannot be an enabling subject to reform any type of content related to this figure, in this case, to modify the fiscal responsibility procedure.

On this occasion, the Constitutional Court warned that none of the articles that modi-

fied, added, or introduced new figures to the fiscal responsibility process in Decree Law 403/2020 regulated the matters expressly indicated in the transitory paragraph of Article 268 of the Political Constitution, nor developed the reforms of Legislative Act 04 of 2019. For the Court, a restrictive reading of the enabling norm must prevail in accordance with the principles of separation and harmonic collaboration of public powers. Therefore, it found no connection between what is regulated by Title XIII and the material scope of the norm that granted extraordinary lawmaking powers to the President.

Justice Meneses dissented. He argued that the act under review sought to adapt the new model of fiscal control to the issues regulated in the constitutional amendment. He also pointed out that the enabling norms do not usually have the level of detail required by the judgment. Therefore, in his view, the Court, in this case, adopted an overly restrictive interpretative standard, which curtails the lawmaking powers of the President.

IV. LOOKING AHEAD

Despite the relevance of the political and constitutional events that transpired in 2022, the immediate future can be predicted as increasingly challenging for Colombian institutions. The government is pushing forward its ambitious reforms despite corruption scandals and disagreements with political parties that joined the government in its early stages. At the same time, the Constitutional Court faces legal debates of the utmost importance for the future of the country. Among them, the Court will review the Statutory Act on the Judicial System, the Escazú Agreement, and the compatibility of the sanctioning powers of disciplinary quasi-judicial authorities to affect the political rights of elected officials²³. Furthermore, in recent weeks the Court handed down two important judgments. In the first one, the Court established that it was within its competence to suspend laws temporarily in the course of its judicial review, as a way to prevent potentially unconstitutional laws from having irreversible negative effects²⁴. In the second one, the Court ordered the State to

reduce the number of weeks women have to work to earn a pension, grounded in reasons of gender equality²⁵. These and other rulings could spark an open debate about the role of the Court vis-à-vis the Executive and the Legislator²⁶.

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- 16 An analysis of this decision can be found in: Marcelo Lozada Gomez. (2023). The Protection of Animal Welfare vis-à-vis Recreational Fishing: The Judgment C-148/22 of the Colombian Constitutional Court. *Journal of Environmental Law, Journal of environmental law*, 2023. <https://doi.org/10.1093/jel/eqad012>
- 17 According to the Court in the judgment C-045/19: “the duty to protect animals has as admissible constitutional limits: (i) religious freedom; (ii) dietary habits; (iii) medical research and experimentation; and, in some cases, (iv) deep-rooted cultural manifestations”. Para. 94.
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