

Fundamental Laws

Code: 102214
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OT	4	0

Contact

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Use of Languages

Principal working language: catalan (cat)
Some groups entirely in English: No
Some groups entirely in Catalan: No
Some groups entirely in Spanish: No

Teachers

Teresa Freixes Sanjuán

Prerequisites

The subject "Fundamental Rights" does not require any prior knowledge, but it is recommended to have passed the subjects of Constitutional Organization of the State, Constitutional Law I (in the first year) and, particularly, Constitutional Law II (in the second year) within the Law Degree curriculum. This course is also offered to students of International Mobility Programs, as well as students from other related Social Sciences Degrees.

Objectives and Contextualisation

Fundamental Rights is an optional subject taught in sessions of three hours each, during the second semester. This course aims to deepen the knowledge on fundamental rights specifically through the study of a selection of topics and current issues in this area.

In a globalized and Europeanized world, the Fundamental Rights recognized in the Constitutions and on a supranational level must face the 21st century new conflicts and respond to new realities, such as the impact of scientific advances, the problems of multiculturalism, the irruption of new information and communication technologies (ICTs and especially the Internet), the impact of the global economic and financial crisis and the emergence of a constantly open catalogue of social, cultural and legal situations and problems that need to be addressed from Fundamental Rights.

Within this context, characterized by new scientific, technological, economic and social and cultural realities, this subject aims to address both its contents and its development from a significant degree of internationalization. Then, along with the selection of topics, the analysis of the Spanish Constitutional Court case law will be accompanied by the study of the case law of other comparable national jurisdictions and the European level one, as well as documentation of national and supranational interest.

The main objectives of the subject are that the student achieves:

- A specialized training on Fundamental Rights.

- The capacity of studying through cases and finding the legal response on current and / or emerging issues with proven future projection.
- A knowledge of legal sources, especially and diverse documentation of national and supranational scope, and the capacity to use them.
- A critical attitude, reflective and aware of the new problems and challenges of Fundamental Rights.

Competences

- Defending and promoting the essential values of the social and democratic State of Law.
- Drawing up and formalising works, reports, documents, rulings.
- Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
- Identifying the underlying conflicts of interest in disputes and real cases.
- Identifying, knowing and applying the basic and general principles of the legal system.
- Integrating the importance of Law as a regulatory system of social relations.
- Managing bibliographic and documentary resources: databases, browsing, etc.
- Students must be capable of demonstrating a critical awareness of the analysis of the legal system and development of legal dialectics.
- Use different information and communication technologies.
- Using the main constitutional principles and values as a working tool in the interpretation of the legal system.

Learning Outcomes

1. Analysing and assessing in a legal-constitutional way several current problems of society.
2. Analysing the content of legal standards from a constitutional perspective.
3. Assessing the diversity and plurality of society.
4. Defining the different mechanisms of defence and guarantee of rights.
5. Demonstrating knowledge from the basic contents on the subject.
6. Drawing up and formalising works, reports, documents, rulings.
7. Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
8. Establishing that those current social problems do not only have one valid solution, but that there might be other democratically and constitutionally valid solutions.
9. Establishing the cases where it might be a suspension of rights, both in exceptional and individual assumptions of suspension of rights.
10. Identifying the different procedural mechanisms for the protection and guarantee of rights.
11. Integrating in every carried out analysis an integrated vision of the complexity of legal regulations that includes a joint and systematic perspective of autonomic, state and European standards.
12. Knowing different constitutionally valid methods and paths in order to find a way out for the different current problems of society.
13. Knowing that rights are not unlimited and as such, knowing the legitimate and constitutional sources of limits to the rights.
14. Knowing the legitimating role of the fundamental rights in the system, in every democratic society, and also that the acknowledgement, guarantee and efficacy of the fundamental rights constitute the material element of the democratic system.
15. Knowing the regulatory, objective and institutional nature of rights, their configurational elements, the limits to the rights and their possible suspension, as well as their defence and guarantee mechanisms.
16. Knowing the role of the Constitution as a democratic framework of cohabitation and as a basis and foundation of the legal system.
17. Managing bibliographic and documentary resources: databases, browsing, etc.
18. Understanding that the several current problems of society must be addressed from tolerance and respect for diversity, fundamental rights and free development of the personality, which are characteristic of a Social and Democratic State of Law.

19. Understanding the link of the public authorities and people to the constitutional values, principles and laws, assuming their repercussion on the legislation.
20. Understanding the need for efficiency of the fundamental rights, their mere statement not being enough.
21. Understanding the needs of every society to provide themselves with a concrete political organization that guarantees some minimums of coexistence.
22. Understanding the risks towards rights that might arise from the new technologies.
23. Use different information and communication technologies.

Content

Lesson 1: Fundamental Rights in 21st Century

Historical evolution and comparative perspective. -The shaping elements of the rights. -Fundamental rights in the Spanish Constitution, the European Union Law and other systems of protection. -Globalization and global justice. Rights, values and guarantees. -Challenges of fundamental rights for the constitutionalism of the 21st Century: rights in situations of conflict.

Lesson 2: Fundamental Rights in multilevel constitutionalism

Protection in the Council of Europe. The European Court of Human Rights. -Protection in the European Union: The Court of Justice and other protection bodies. -International protection: The International Criminal Court and other protection courts within the United Nations. -The binding of Spanish law to the international and European legal framework.

Lesson 3: Equality and non-discrimination in the global legal multilevel

Gender equality in a global world. -The overall configuration and the specific manifestations of equality and non-discrimination. -The protection of minorities. -The protection of vulnerable individuals.

Lesson 4: The information society in the legal multilevel

Freedom of expression and information. General and specific manifestations. -Data protection: right to be forgotten on the Internet, video surveillance, biometric data and "cloud" computing. -Secret of communications and official secrets. -New technologies in the workplace.

Lesson 5: Multilevel effective guarantee of rights and freedoms

General and specific defining elements. -The access to justice. -Procedural guarantees of the right to a fair trial. -Multilevel jurisdictional interrelations.

Methodology

The learning process focuses on the work of the student, who learns by working, being the teacher's mission to help in this task by providing information and showing the sources where it can be obtained. The development of the teaching of the subject and the training of the student is based on the following activities

Directed activities:

Lectures: the student reaches the conceptual bases and sets the normative and jurisprudential legal framework. The master classes are the activities in which less interactivity is required and are conceived as a one-way method of transmitting the teacher's knowledge to the student.

Practical classes: where the students analyze and solve together with the teacher practical cases previously elaborated. The basis of the practical work is the understanding and critical application of the regulations and jurisprudence related to the essential content explained in the theoretical classes.

Supervised activities:

These are activities that students will develop in the classroom, with the supervision and support of the teacher. It is about the elaboration of some practical supposition in classroom: analysis of sentences and realization of schemes of the subject and summaries of doctrinal articles or books.

Autonomous activities:

Preparation of practical activity documents that will be delivered and analyzed in the classroom. These are practical cases proposed in advance by the professor, critical reviews of books or readings of jurisprudence or regulations.

Search of bibliography and instrumental jurisprudence for the resolution of practical cases. In some cases students must perform the autonomous search of the documentation.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Discussion on practical cases	4.5	0.18	2, 1, 22, 20, 21, 19, 18, 12, 16, 14, 4, 5, 8, 7, 17, 10, 6, 13, 11, 23, 3
Theoretical classes	18	0.72	2, 1, 22, 20, 21, 19, 18, 12, 16, 14, 4, 5, 8, 7, 17, 10, 6, 13, 11, 23, 3
Type: Supervised			
Preparation of a written work on a monographic issue of the subject	17.5	0.7	2, 1, 22, 20, 21, 19, 18, 12, 16, 14, 4, 5, 9, 8, 7, 17, 10, 6, 11, 23, 3
Tutorials: individual or group face-to-face activities oriented to the development of knowledge and the resolution of learning problems	5	0.2	2, 1, 22, 20, 21, 19, 18, 12, 16, 14, 4, 5, 9, 8, 7, 17, 10, 6, 11, 23, 3
Type: Autonomous			
Completion of written work	30	1.2	2, 1, 22, 20, 21, 19, 18, 12, 16, 14, 4, 5, 8, 7, 17, 10, 6, 13, 11, 23, 3
To study. Search of bibliography, jurisprudence and documentation. Readings, analysis and synthesis of texts	42	1.68	2, 1, 22, 20, 21, 19, 18, 12, 16, 14, 4, 5, 9, 8, 7, 17, 10, 6, 11, 23, 3

Assessment

The skills of these subjects can be evaluated through: (1) exams, (2) the presentation of individual and group work that can be oral or written and (3) the performance of papers and (4) practical cases.

The evaluation system will take into account:

The realization of practical cases (reports, reviews, legal writings, opinions ...) will have a global weight between 30% and 40%.

The realization of works (and the possible public presentation) will have an approximate global weight between 20% and 40%. The written tests will have an approximate overall weight between 30% and 50%. Among them, there will be a final exam of the whole subject to check the global acquisition of skills, abilities and knowledge). You can not pass the subject through a single global test.

Each teacher at the beginning of the course will establish the system of continuous evaluation (campus virtual/moodle) and the percentage assigned to each of the activities, as well as the system of reevaluation of the suspended activities.

To participate in the reevaluación the students must have been previously evaluated in a group of activities whose weight equals to a minimum of two third parts of the total qualification. The total required score can not exceed three points.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Active participation of the student and quality of the interventions of the students in the debates	10%	1	0.04	2, 1, 22, 20, 21, 19, 18, 12, 16, 14, 4, 5, 9, 8, 7, 17, 10, 6, 11, 23, 3
Internship: correction and assessment in the classroom. Continuous evaluation.	30-50%	20	0.8	2, 1, 20, 19, 18, 15, 16, 14, 4, 5, 9, 8, 7, 17, 10, 6, 13, 11, 23
Realization of a written work	20%	10	0.4	2, 1, 22, 20, 21, 19, 18, 12, 15, 16, 14, 4, 5, 9, 8, 7, 17, 10, 6, 11, 23, 3
final exam	30-50%	2	0.08	2, 1, 22, 20, 21, 19, 18, 12, 15, 16, 14, 4, 5, 9, 8, 7, 17, 10, 6, 13, 11, 23, 3

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GOMEZ, Yolanda: *Constitucionalismo multinivel: Derechos fundamentales*. Sanz y Torres, 2011.

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