

Degree programme	Type	Course
Law	OP	4

Contact lecturer

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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.

The subject will be given with take into account the perspective of the Sustainable Development Goals.

Group languages

You can consult this information at the [end](#) of the document.

Objectives

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.

Learning outcomes

1. Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
2. Managing bibliographic and documentary resources: databases, browsing, etc.
3. Use different information and communication technologies.
4. Understanding the link of the public authorities and people to the constitutional values, principles and laws, assuming their repercussion on the legislation.
5. Demonstrating knowledge from the basic contents on the subject.
6. Knowing the role of the Constitution as a democratic framework of cohabitation and as a basis and foundation of the legal system.
7. 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.
8. 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.
9. Understanding the need for efficiency of the fundamental rights, their mere statement not being enough.
10. Knowing that rights are not unlimited and as such, knowing the legitimate and constitutional sources of limits to the rights.
11. Establishing the cases where it might be a suspension of rights, both in exceptional and individual assumptions of suspension of rights.
12. Defining the different mechanisms of defence and guarantee of rights.
13. Analysing and assessing in a legal-constitutional way several current problems of society.
14. 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.
15. Establishing that those current social problems do not only have one valid solution, but that there might be other democratically and constitutionally valid solutions.
16. Knowing different constitutionally valid methods and paths in order to find a way out for the different current problems of society.
17. Assessing the diversity and plurality of society.
18. Understanding the needs of every society to provide themselves with a concrete political organization that guarantees some minimums of coexistence.
19. Identifying which ones are the elements that form the state and which ones differ from other political organisations of society.
20. Critically assessing about the State's future as a form of organization of society.
21. Knowing the causes that created the emergence of the State, the characteristics that differentiate it from other forms of political organisation, assuming that not every political organisation of a society implies the existence of a State.
22. Identifying the different forms that the State may take and the functions it has developed and it currently develops.
23. Knowing the legal system and the system of sources of Law of state, autonomic, community and international order, as well as the rules of their implementation.
24. Understanding the risks towards rights that might arise from the new technologies.
25. Identifying the different procedural mechanisms for the protection and guarantee of rights.
26. Analysing the content of legal standards from a constitutional perspective.
27. 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.
28. Appreciating the constitutional and organisational diversity of the several integrating states of the European Union. Knowing their similarities and differences in relation to the main constitutional institutions, sources and jurisdictional control. Knowing their relations with the European Union, and the conformation of the common constitutional traditions.
29. Knowing that, inside the European Union coexist several democratic states that possess a big organisational and constitutional diversity.
30. Identifying which ones are the main differences and similarities about their institutional, normative and jurisdictional organisation.

31. Recognising the different mechanisms used by the states to interact with the European Union.
32. Appreciating the existence of specific common constitutional traditions between the several states of the European Union.

Contents

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.

Learning activities and methodology

Title	Hours	ECTS	Learning outcomes

Study. Search and analysis of bibliography, regulations, jurisprudence and documentation. Readings of materials, analysis and synthesis of texts.	30	1.2	2, 3, 4, 5, 6, 7, 9
Preparation of a written work on a monographic issue of the subject	18	0.72	2, 3, 4, 5, 6, 7, 9
Preparation of works and others activities. Continuous evaluation activities.	20	0.8	2, 3, 4, 5, 6, 7, 9, 10
Theoretical classes	22	0.88	2, 3, 4, 5, 6, 7, 9, 10
Evaluation	5	0.2	2, 3, 4, 5, 6, 7, 8, 9, 10
Tutorials: individual or group face-to-face activities oriented to the development of knowledge and the resolution of learning problems	5	0.2	2, 3, 4, 5, 6, 7, 9
Discussion on practical cases	22	0.88	2, 3, 4, 5, 6, 7, 9, 10

The learning process focuses on the work of the student, who learns working individually and in groups, the mission of the teaching staff being to help them in this task by providing information and showing them the techniques and sources where it can be obtained.

The development of teaching of the subject and student training is based on the following activities:

1. Directed activities:

1.1. Lectures classes/ theoretical classes: where students achieve through the transmission of knowledge of the teacher the conceptual bases of the subject and assume the legal, regulatory and jurisprudential framework.

1.2. Seminar / practical classes: as a learning space where students assume a preferably active role, together with the teacher, to analyze and interpret previously elaborated questions, issues or cases in order to develop and consolidate the essential content explained in the theoretical classes.

2. Supervised activities: These are activities that students will develop in the classroom, with the supervision and support of the teacher. It is the solution of some practical assumption in the classroom, the elaboration of some records of sentences and / or regulations, or the realization of outlines or written drafting of some epigraphs of the subject or of complementary readings of monographs or doctrinal articles.

3. Autonomous activities: these are activities in which the student organizes time and effort autonomously, either individually or in groups.

3.1 Study of the subject.

3.2 Preparation of documents of practical activities: which will be delivered and analyzed in the classroom. These are practical cases proposed in advance by the teacher or the preparation of critical reviews of books and readings or files of jurisprudence, regulations, or films.

3.3 Search of bibliography, jurisprudence, and materials for the resolution of practical cases, complementing theoretical questions

3.4. Preparation of course work, reports, etc.

Annotation: within the schedule set by the centre or degree programme, 15 minutes of one class will be reserved for students to evaluate their lecturers and their courses or modules through questionnaires.

Assessment

Continuous assessment activities

Title	Weight	Hours	ECTS	Learning outcomes
Carrying out individual or group practices	25%	13	0.52	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 24, 25, 28, 32
final exam	50%	2	0.08	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32
Realization of a written individual or group research work on a topic of the subject indicated by the teacher	25%	13	0.52	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 24, 25

1. Continuous evaluation.

The evaluation system will consist of the following items:

- Final Exam with a weight on the final grade of 50%.
- An individual or group research project on a subject indicated by the teacher. Its weight on the final grade will be 25%.
- Individual or group performance of specific practical activities (solution of cases, preparation of reports, reviews, legal writings, opinions...) with a weight on the final grade will be 25%. Attendance as well as class participation may be assessed. This refers to active participation throughout the course, of high quality, legally well-grounded, appropriate, and relevant to the topics developed.

Students will be evaluated if they have developed no less than 2/3 of the evaluation activities. If they not reach this threshold, the teachers team of the subject may consider the student as non-evaluable.

Attendance at theory classes and seminars will be mandatory, except in cases of duly justified cause. For these purposes, the teacher may establish attendance control mechanisms and may establish a minimum percentage of class attendance, which may not be less than 85%. In such cases, if said mechanism is established and that minimum attendance percentage is not reached, the grade will be Not Evaluable.

At the beginning of the course, the professor or professor will present the program of the subject provided in this guide, indicating the topics that will be covered. Thus, it will also present the schedule of teaching activities (theories and practices), and specify the topics of the research work and indicate the number and form of practical activities, as well as their date of completion.

The student body that fails the continuous evaluation may appear for the re-evaluation on the date, time and place that is established by the direction of the School of Law. The reevaluation can only be carried out if the student has followed the continuous evaluation.

2. Single evaluation

The student that has applied it and it has been granted may take a single evaluation.

The single evaluation will consist of three parts and seeks that the student can certify having achieved the

objectives and learning results, and the skills and competencies established for the subject. The first part will consist of an exam of the full subject with characteristics similar to those carried out in the final exam of the continuous assessment that will have the weight of 50% of the grade. The second part will refer to an activity or practical case with a weight of 25% of the final grade. The third part may revolve around the preparation of opinions, legal documents, analysis of legislation or jurisprudence with a weight of the remaining 25%.

This single evaluation will have, as a whole, a degree of difficulty similar to that required in the continuous evaluation. The same criteria used in continuous evaluation to determine evaluable or non-evaluable status will be applicable to the single evaluation.

These indications will also be displayed on the virtual campus /Moodle.

In this subject, the use of Artificial Intelligence technologies is not allowed in activities that are evaluable, unless the teaching team of each group expressly authorizes it in each case. If its use is expressly permitted in any evaluable activity, it will be restricted to the search for bibliography, information, or support materials or translations. In all cases, the student must clearly identify the parts that have been generated by this technology, specifying the AI tools used and including a critical reflection on how these have influenced the process and the final result of the activity. Non-transparency in the use of AI in evaluable activities will be considered a lack of academic honesty and may lead to a grade of 0 in the activity.

If the student copies, tries to copy or cheats, commits plagiarism, or is found with any prohibited device during any assessment activity or exam, they will receive a grade of 0, and the incident will be reported to the Dean's Office of the Faculty, together with a report detailing the circumstances and evidence of the incident in order to request the opening of a possible disciplinary proceeding against the student. This assessment activity cannot be retaken. If this conduct, or similar conduct, is repeated in the assessment activities of the course, the student will fail the course with a final grade of 0.

Bibliography

Bibliography and other materials

A) Bibliography to evaluate.

At the beginning of the course, the teacher will indicate the guidelines regarding the bibliography, readings, and other specific materials to be evaluated.

B) Recommended bibliography

CASSESE, Sabino: *El Derecho global: Justicia y democracia más allá del Estado*. Ed. Derecho Global, Sevilla, 2010.

FREIXES, Teresa: "La Constitución y el sistema de derechos fundamentales y libertades públicas". En E. Alvarez (Coord.) *Administraciones Públicas y constitución. Copnmemoración del XX aniversario de la Constitución*. Instituto Nacional de Administración Pública, Madrid, 1998.

Constitución y derechos fundamentales. Promociones y Publicaciones Univesitarias, Barcelona, 1992.

Maletín de Recursos Género y Ciencia. Con M.Sales, M.A. Gensana, F. Zapata e I. Sánchez de Madariaga. UAB - Ed. Experimenta, Madrid 2013.

GAVARA, Juan Carlos, DE MIGUEL, Josu y RAGONE, Sabrina: *El control de los cybermedios*. Bosch, Barcelona, 2014.

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

REMOTTI, José Carlos: *La Corte Interamericana de Derechos Humanos*. Instituto Europeo de Derecho, Barcelona 2003.

Software

The subject does not require any specific software.

Course groups and languages

The information provided is provisional until November 30. After this date, you will be able to consult the language of each group through this [link](#). To access the information, you will need to enter the course CODE

Type of teaching	Group	Language	Semester	Shift
(TE) Theory	1	Spanish	second semester	morning-mixed
(PAUL) Classroom practices	1	Spanish	second semester	morning-mixed