



## COURSE DATA

### Data Subject

<b>Code</b>	35218
<b>Name</b>	Constitutional Law II
<b>Cycle</b>	Grade
<b>ECTS Credits</b>	7.5
<b>Academic year</b>	2018 - 2019

### Study (s)

Degree	Center	Acad. year	Period
1303 - Degree in Law	Faculty of Law	2	First term
1921 - D.D. in Business Management Administration-Law	Doubles Studies Faculty of Law - Faculty of Economics	2	First term
1922 - D.D. in Law-Political and Public Administration Sciences	Faculty of Law	2	Annual
1923 - D.D. in Law-Criminology	Faculty of Law	2	Annual

### Subject-matter

Degree	Subject-matter	Character
1303 - Degree in Law	15 - Constitutional law II	Obligatory
1921 - D.D. in Business Management Administration-Law	3 - Year 2 compulsory subjects	Obligatory
1922 - D.D. in Law-Political and Public Administration Sciences	3 - Year 2 compulsory subjects	Obligatory
1923 - D.D. in Law-Criminology	3 - Year 2 compulsory subjects	Obligatory

### Coordination

Name	Department
GARCIA PECHUAN, MARIANO	55 - Constitutional Law, Political and Administrative Sciences



## SUMMARY

Constitutional Law II is a compulsory subject taught in the second course of the Degree in law, in the first half of the academic year. Its workload amounts to 7.5 ECTS (credits).

The contents that will be addressed in this Course are specified as follows:

The system of fundamental rights and civil liberties within the Spanish constitutional framework. The equality clause. The fundamental rights and public freedoms. Principles governing social and economic policy. System of guarantees: judicial guarantees and others. Different levels of rights protection: national, supranational, international.

## PREVIOUS KNOWLEDGE

### Relationship to other subjects of the same degree

There are no specified enrollment restrictions with other subjects of the curriculum.

### Other requirements

The subjects of this Course embody the continuation and complements the contents addressed in the subject Constitutional Law I, which is taught as a matter of basic training into the first year of the Degree in law, so it is recommended to overcome the aforementioned prior Course.

## OUTCOMES

### 1303 - Degree in Law

- Recognise the importance of law as a system for regulating social relations.
- Be able to apply constitutional principles and values, the respect for human rights, with special attention to equality between men and women, sustainability and the culture of peace as working tools in the interpretation of the legal system.
- Be able to use legal sources (legal, jurisprudential and doctrinal).
- Be able to read and interpret legal texts.
- Be able to communicate correctly both orally and in writing in the field of law.
- Acquire basic knowledge of legal arguments.

## LEARNING OUTCOMES

This subject is aimed at consolidating the student in the following skills as a result of learning:



- To know the fundamental rights and civil liberties in the Spanish constitutional framework
- To understand the concept and content of equality, fundamental rights and civil liberties and constitutional values.
- To understand the guiding principles of social and economic policy contained in the Spanish Constitution.
- To know the system of guarantees: extra-judicial and judicial guarantees, and the protection levels: national, supranational, and international guarantee/enforcement instruments of rights and civil liberties.
- To be able to write and deliver papers on Equality and Liberties through a critical point of view

## DESCRIPTION OF CONTENTS

### 1. THE PROGRESS IN ASSERTING PROCESS HUMAN RIGHTS

- 1.- First Bills of rights.
- 2.- The evolution in the recognition of rights
- 3.- Human rights as universal rights

### 2. FUNDAMENTAL RIGHTS AND FREEDOMS WITHIN THE SPANISH CONSTITUTION

- 1.- The notion of fundamental rights and their features.
- 2.- The effectiveness of fundamental rights.
- 3.- Limits of fundamental rights.
- 4.- Fundamental rights interpretation.
- 5.- Conditions for the exercise of fundamental rights

### 3. GENERIC GUARANTEES FOR PROTECTION OF FUNDAMENTAL RIGHTS

- 1.- General guarantees of protection of rights.
- 2.- The administrative (not judicial) protection of rights.
- 3.- The Spanish Ombudsman (el Defensor del pueblo)
- 4.- The suspension of fundamental rights.

### 4. JUDICIAL GUARANTEES FOR THE PROTECTION OF RIGHTS

- 1.- Judicial mechanisms for the protection of rights in the administrative, criminal, labor and civil frameworks.
- 2.- Individual remedy (Recurso de amparo).
- 3.- The international protection. The European system of protection of rights.



## **5. EQUALITY**

- 1 .- Equality before the law, in the law and in the law enforcement.
- 2 .- Discrimination and differentiation.
- 3 .- Gender Mainstreaming.
- 4 .- Affirmative actions.

## **6. THE DUE PROCESS OF LAW**

- 1 .- Basic content of the right to a fair trial.
- 2 .- Access to the justice system.
- 3 .- Rights during the course of the process. No lack of defense.
- 4 .- Right to a judgement on the merits of the claim and to enforcement.
- 5 .- Constitutional guarantees of criminal proceedings.

## **7. CIVIL RIGHTS**

- 1 .- Right to life and to physical and moral integrity.
- 2 .- Freedom of thought and religious freedom.
- 3 .- Rights to honour, to privacy and to one's own image.
- 4 .- Inviolability of the home.
- 5 .- Secrecy of the communications.
- 6 .- The protection against the use of electronic data.
- 7 .- Freedom of residence and movement and to enter and leave Spain.
- 8 .- The right to enter freely into marriage.

## **8. PERSONAL FREEDOM**

- 1 .- The general features of personal freedom.
- 2 .- The Arrest. Limits, conditions and guarantees.
- 3 .- Custody.
- 4 .- The loss of liberty for criminal conviction. The principle of legality in criminal matters.
- 5 .- The sanctioning power of the Administration.

## **9. FREEDOMS OF EXPRESSION AND INFORMATION**

- 1 .- Freedom of expression.
- 2 .- Right to freely receive information.
- 3 .- The right to freely communicate information.



## 10. RIGHTS OF SOCIAL AND POLITICAL PARTICIPATION

- 1 .- Right to public assembly.
- 2 .- Right of association.
- 3 .- Right to vote
- 4 .- Right to stand for election and to access to a public office.
- 5 .- Right of equal access to public service.
- 6 .- Right of petition.

## 11. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

- 1 .- Right to education.
- 2 .- Freedom of education.
- 3 .- Fundamental rights and liberties in the workplace. Right to freely join trade unions and business associations. Right to strike.
- 4 .- Right to property, right of establishment and freedom of enterprise
- 5 .- Other economic, social and cultural rights

## 12. CONSTITUTIONAL DUTIES

- 1 .- The notion of constitutional duty.
- 2 .- Duties and military conscientious objection.
- 3 .- Tax Duties.
- 4 .- Other constitutional duties.

## WORKLOAD

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	75,00	100
Development of group work	6,00	0
Development of individual work	6,00	0
Preparation of evaluation activities	10,50	0
Preparing lectures	7,50	0
Preparation of practical classes and problem	7,50	0
<b>TOTAL</b>	<b>112,50</b>	

## TEACHING METHODOLOGY





Students will acquire the skills and abilities established in points 4 and 5 on the matters contained in the Syllabus (point 6). Also must acquire the ability to analyze, interpret and apply them to various theoretical and practical situations.

To achieve this goal, the Degree in Law Plan attributes to Constitutional Law II 7.5 ECTS (credits), involving 187.5 hours of students' dedication, all in the first half of the Academic Year.

The activities developed by the student will be basically of three types:

- Classroom activities (in the classroom or place) 75 hours.
- Guided activities (outside of the classroom) 37.5 hours.
- Independent Student Work (outside of the classroom) 75 hours.

The methodology used and the time involving are established as follows:

### **CLASSROOM ACTIVITIES:**

The activities will be carried out three days a week throughout the first half of the academic year (2 hours + 2 hours + 1 h). Theoretical activities will be lectures (presentation by the Professor of the contents of the program), practical activities (dynamics) and complementary activities, some in the regular classroom and others outside it.

Thus, classroom activities are of three types:

Theoretical activities:

Consisting in the transfer of knowledge from a dynamic way of teaching, with approach to situations of the current reality, and linking it with historical data.

37,5 hours

Practical activities (Activities of implementation):

May include: problem solving, computer practices, development projects, case studies, simulations, review of press clippings, public exhibitions, collective works, and so on. In advance, each teacher will give students the necessary instructions for its completion.

(25 hs.)

Complementary activities:



These activities are of different nature to be held in the regular classroom during the hours reserved for the course or at a different time and different day, mainly in the case of attendance at seminars, conferences, visits to institutions, and so on.

Complementary activities also include: appraisal tests (eg global final test), individual and group tutorials...

Example:

A practical test / exam (1 h)

Evaluable final Exam (2 hours)

Collective Tutorial (1.5 hours)

Attendance at seminars, conferences and other events (8 hours)

**TOTAL classroom activities: 187,5 hs**

### **GUIDED ACTIVITIES:**

These refer to those activities that students will face outside the classroom, as well as preparatory work to be able to take part actively in the development of the class. In that way students could know in advance the contents of the lessons. It can help to consolidate knowledge and skills that have been previously worked in class . They could consist in: reading lesson, attending seminars, preparation of materials for the practical activities, search of data and online information ...

Individual work (6 hours)

Group work (6 hours)

Weekly Reading of the lesson (30 min. Per week x 15 weeks = 7.5 hours.)

Preparation of practical activities / dynamics (30 min. Per week x 15 weeks = 7.5 hours.)

Studying for tests and exams (10.5 hours).

### **INDEPENDENT STUDENT WORK:**

It refers to the work the student performs individually, outside the classroom without the teacher's direction: Study of Syllabus contents and acquisition of skills, abilities and knowledge of the subject.



5 hours per week x 15 weeks = 75 hours.

**TOTAL: 7.5 ECTS Cr = 187.5 hours x 25 hours.**

Throughout the course, the teacher can use the virtual platform "Aula Virtual" (<http://aulavirtual.uv.es/>) to upload the necessary materials for students to work in class or outside the classroom and to communicate with students on issues relating to the subject.

## EVALUATION

The appraisal system will be continuous evaluation, based on regular attendance to the classroom and student participation in the various theoretical and applied activities and on the pass of a final global test. The attendance to some sessions may be established as compulsory. For the assessment of attendance at least 80% of assisted sessions "will be required.

Elements for student appraisal:

- Writing or/and Oral Test/s including theoretical questions and/or cases resolutions.
- Implemented Activities (Dynamic/practical activities) and complementary activities. They can be individual and/or in groups. Delivery of papers, reports, oral presentations and student attendance at seminars, conferences or other activities will be appraised.

There will be 1 test of dynamics (cases) around 9th week. And at least 2 of the dynamics (practical activities) will be evaluated. In any case, although the Academic Protocol of the Degree in Law establishes that at least 3 practical activities must be evaluated, each teacher may consider others more. Thus, the teacher will specify which activities will be implemented and evaluated, respecting the established minimum.

- For the accomplishment of the applied and complementary activities, the lecturer of the subject will be able to use the methodology of the Learning-Service

The percentages allocated to each activity in the form of continuous appraisal system will be specified in the Attached Academic Guide, taking a whole value of 30% of the final grade.

The score on the continuous assessment will be reserved for the second round of exams (June), but not for the next academic year. The activities of continuous assessment will not be recoverable when by nature is not possible to design a test that values the acquisition of learning outcomes in the second call

The final global test (final exam) will have the value of the remaining 70% of the final grade. This test will be held on dates determined by the Board of the Centre. This test may also include final theoretical, practical or theoretical/practical questions in order to evaluate the knowledges students have acquired in lectures, implemented activities and complementary activities. Oral examens, if any, will be compulsorily recorded





To pass the subject Constitutional II students will require passing the final global test.

## REFERENCES

### Basic

- ÁLVAREZ CONDE, E. / R, TUR AUSINA: Derecho Constitucional, Madrid, Tecnos, 2017
- ALZAGA VILLAAMIL, Ó et al.: Derecho político español, vol. II: Derechos fundamentales, Madrid, Ceura, 2017.
- BALAGUER CALLEJÓN, F. (coord.): Manual de Derecho Constitucional, vol II: Derechos y deberes fundamentales, deberes constitucionales y principios rectores, Madrid, Tecnos, 2017.
- DÍEZ-PICAZO GIMÉNEZ, Luis María: Sistema de derechos fundamentales, Madrid, Civitas, 2013.
- GIMENO SENDRA, Vicente: Los derechos fundamentales y su protección jurisdiccional, Madrid, Edisofer, 2018.
- GÓMEZ FERNÁNDEZ, Itziar (coord.): Esquemas de Derecho Constitucional, Valencia, Tirant lo Blanch, 2015.
- JIMENA QUESADA, Luis: Devaluación y blindaje del Estado social y democrático de Derecho, Valencia, Tirant Lo Blanch, 2017.
- LÓPEZ GARRIDO, Diego et al.: Lecciones de Derecho Constitucional de España y de la Unión Europea, vol. II, 2018 (en prensa).
- LÓPEZ GUERRA, Luis et al.: Derecho constitucional, vol. I: El ordenamiento constitucional. Derechos y deberes de los ciudadanos, Valencia, Tirant lo Blanch, 2016.
- PÉREZ TREMPES, P.: El Recurso de Amparo, Tirant lo Blanch, Valencia, 2015.
- SÁNCHEZ FERRIZ, Remedio: Estudio sobre las libertades, Valencia, Tirant lo Blanch, 1995.

### Additional

- Referencias complementarias en red:

PORTALDERECHO: [www.iustel.com](http://www.iustel.com). (Lecciones sueltas, asignaturas completas, búsqueda de referencias bibliográficas, etc). (Accesible de forma gratuita desde un ordenador conectado a la red de la Universidad o mediante conexión VPN)

Este material se complementará, además, con los textos legales contenidos en los Códigos de Leyes Políticas (fundamentalmente la Constitución Española, la Ley Orgánica del Tribunal Constitucional y las demás leyes de desarrollo de los derechos y libertades).

Las Sentencias del Tribunal Constitucional pueden encontrarse en la página web del mismo: <http://www.tribunalconstitucional.es>

- MARTIN CUBAS, J. (coord.): Constitución, Política y Administración. España 2017, reflexiones para el debate, Tirant lo Blanch, Valencia 2017