

**COURSE DATA****Data Subject**

Code	35218
Name	Constitutional Law II
Cycle	Grade
ECTS Credits	7.5
Academic year	2020 - 2021

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 ASERTING 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
TOTAL	112,50	

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, 2019
- 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 libertades fundamentales. Deberes constitucionales y principios rectores, Madrid, Tecnos, 2019.
- BILBAO UBILLOS, J. M. (dir.): Lecciones de Derecho Constitucional II, 2018.
- 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.
- LÓPEZ GUERRA, Luis et al.: Derecho constitucional, vol. I: El ordenamiento constitucional. Derechos y deberes de los ciudadanos, Valencia, Tirant lo Blanch, 2018.
- SÁNCHEZ FERRIZ, Remedio: Estudio sobre las libertades, Valencia, Tirant lo Blanch, 1995.

Additional

- - Referencias complementarias en red:
PORTALDERECHO: 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.
- RODRÍGUEZ RUIZ, Blanca, Los derechos fundamentales ante el Tribunal Constitucional. Un recorrido jurisprudencial, Tirant lo Blanch, Valencia, 2019.



- MARTIN CUBAS, J. (coord.): Constitución, Política y Administración: repensando la Constitución + 4 décadas después, Tirant lo Blanch, Valencia, 2020.

ADDENDUM COVID-19

This addendum will only be activated if the health situation requires so and with the prior agreement of the Governing Council

ADDENDUM COVID-19 TO THE TEACHING GUIDE ON CONSTITUTIONAL LAW II Subject code 35218 Subject name: CONSTITUTIONAL LAW II Title: 1303 - Law Degree 1921 - Double Degree Program ADE-Law 1922 - Double Degree Program Law-Political Sciences and AA.PP. 1923 - Double Degree Program Law-Criminology

ONLY FOR THE DP, DC AND DV GROUPS (OF DOUBLE DEGREE) WHERE THIS SUBJECT IS ANNUAL: The adaptations that are indicated are extended and are directly applicable during the second semester of the 2020-2021 academic

year in the event of the contingency of a regrowth and the temporary closure of the classrooms. In matters not provided for

in this addendum, the provisions of the teaching guide and the corresponding teacher's annex will apply. **1. Contents** The contents initially collected in the teaching guide will be kept, unless otherwise indicated by the teacher. **2. Volume of work and temporary planning of teaching** The total volume of work and hours of dedication in ECTS credits marked in the original teaching guide will be maintained.

The hours of complementary face-to-face activities (eg seminars by external professors or visits to institutions) that cannot

be carried out online will be added to the hours of theoretical sessions and / or applied activities. In some groups, the sessions scheduled on the same dates and times with the same duration will be held, the sessions being

carried out through synchronous videoconferences, by creating "videoconference" tasks in the Virtual Classroom, and executing

these by Blackboard Collaborate (BBC) the day and time of the classroom. In groups in which face-to-face classes are replaced by asynchronous activities, the schedules will not be maintained and the

student will be given freedom to carry out the activities according to their own schedule.

3. Teaching methodology In the different groups, one or more of the following tools may be used:- Upload to the Virtual Classroom of the same materials (presentations and notes) provided in the original guide for face-to-face



teaching or of new materials prepared or selected ad hoc for the new situation of non-face-to-face teaching- Activities in the Virtual Classroom on accessible materials indicated by the teaching staff: text, film or video comments,

book reviews, presentation of individual or group work, practical cases, chats, comments to parliamentary sessions broadcast by institutional video channels , forums, chats and review questionnaires.- Substitution of face-to-face classes for synchronous videoconferences by creating “videoconference” tasks in the Virtual

Classroom and executing these by Blackboard Collaborate (BBC) on the day and time of the face-to-face class.- Substitution of face-to-face classes with spoken Power Point presentations**Tutoring system:**By application of the ACGUV 162/2020, of November 3, during the second semester of the 2020-21 academic year,

all teachers will take part in the virtual tutoring program. Furthermore, during this period, the teaching staff may exceed, if they so decide and after notifying the Department and the students, the limit of 50% of virtual tutorials.The virtual tutoring system will be developed through the use of institutional email or through the tools of the Virtual Classroom,

as well as through the use of platforms that allow a synchronous relationship, such as BBC or Teams.Virtual tutoring will be preferably used, which should be guaranteed to those students who present special sensitivity

to Covid-19.The face-to-face tutorials must be carried out, where appropriate, with all the safety and hygiene guarantees for teachers

and students that the competent authorities of the University establish previously.

4. Evaluation

The weighting between the grade obtained in the continuous assessment and that obtained in the final test

that was established in the teaching guide at the beginning of the academic year is modified for the activities and tests that

are carried out during the second semester in the sense that the teaching staff of each group will be able to increase

the weight of the continuous evaluation from the minimum of 30% to 40% and, consequently, reduce the weight

of the final exam from 70% to 60%. The grades resulting from the continuous evaluation obtained before the closing

of the classrooms will be kept. The exam may take any of the following forms in the different groups:

- Oral test by creating “videoconference” tasks in the Virtual Classroom and executing these by



Blackboard Collaborate (BBC)

on the day and time indicated to the student. The test will be recorded.

- Written test using Virtual Classroom tools (homework, email, questionnaire, etc.). The questions may be of the multiple

choice, short answer or development (essay) type and may be both theoretical and practical based on an assumption or

text included in the statement. The questions can be shown to each student in a different order and a single question per

screen without allowing going back. In multiple-choice questions, wrong answers may deduct score. The teaching staff

may choose to allow the use of materials to carry out the test and will determine the time limit for its completion.

To verify that the student is taking the test individually and without using material that is not permitted, the teaching

staff may use any procedure that is arbitrated from the competent authorities of the University.

The teachers of each group will be able to combine the previous test and question modalities and will expand and detail by

email or in the Virtual Classroom the information on the form of the final test and the minimum grade required in the final

test to be able to pass the subject. If a person does not have the means to establish this connection and access the Virtual

Classroom, they should contact the teaching staff by email at the time of knowing the completion of the midterm exam.

Students who during the online mid-term exam have a connection problem that prevents them from accessing or continuing

with the test, must immediately notify the teacher by email and an individual exam will be arbitrated, which may be oral

and that will be done preferably that same day.

5. Bibliography The bibliography recommended in the guide will be maintained, as several of the manuals and basic texts are accessible online.

Also, all complementary bibliography is accessible online. The teaching staff of each group may, in any



case, substitute the recommended bibliography with another bibliography

accessible online or with other materials in Aula Virtual:- Notes and presentations of own elaboration or of free access.- Manuals and more specific bibliography available in the Virtual Library of Tirant lo Blanch

(<https://biblioteca.tirant.com/cloudLibrary/login/auth>) to the extent that it is freely accessible and free for University

students (through VPN connection).- Articles of free access or through databases accessible via VPN connection.- Electronic legislation.- Synopsis of the articles of the Constitution at <https://app.congreso.es/consti>.- Free access jurisprudence databases or accessible via VPN connection.- Other complementary resources available on institutional websites such as video tutorials on the Congress of Deputies,

videos from the MMedia server, videos from the Law School (Pensat i Dret series or the La Facultat respon repository)

and videos from the Department of Constitutional Law and Political Science and the Administration (Tot Clar? series in MediaUni).

ADJUSTMENTS OF THE COVID ADDENDUM FOR THE SECOND SEMESTER ADAPTED TO THE RESOLUTION OF THE RECTOR OF JANUARY 28, 2021 AND TO THE GUIDELINES OF THE FACULTY OF LAW FOR THEIR DEGREE DEGREE HYBRID TEACHING

As soon as the sanitary conditions impose it, this subject will adapt to the hybrid teaching model established by the Law School, through which the student will be taught theoretical-practical classes in discontinuous weeks. For this, the Secretary of the Faculty will divide the group into as many subgroups as necessary, teaching in the classroom, at the time established for the subject, to one of the subgroups each week in accordance with the established calendar by the Faculty, being able to foresee for the others:- as a priority, follow-up of the class through synchronous VIDEOCONFERENCE; If this is not possible, it will be recorded and made available for viewing at any time of the week.- Autonomous, theoretical or practical work, guided and tutored by the teaching staff, proposed through videos, spoken presentations, diagrams, written material, scheduled readings ...The individual or collective tutorials will be developed through the institutional mail or through the virtual classroom tools; If it is done in person, all safety and hygiene measures will be respected. The complementary activities will preferably be carried out in a remote mode through the webinar format. The contents, volume of work and evaluation are maintained in the terms initially foreseen in the academic guide. The final exam of the subject will be face-to-face (always complying with the regulations of capacity and interpersonal distance, for which it will be sequenced in two shifts if necessary), as long as the contrary is not provided by regulations. In matters not provided for in this addendum, the provisions of the teaching guide and the corresponding teacher's annex will apply.

NON-PRESENTIAL TEACHING

When, in accordance with the instructions of the health and university authorities, the evolution of the pandemic does not allow the subject to be taught in a hybrid teaching model, this subject will be taught in a non-face-to-face way, applying the provisions of the addendum for this situation.

During the month of February 2021, this non-face-to-face teaching model will be followed, which will adapt to the provisions of the Rector's Instruction of January 28, 2021 and to the "Adjustments in the



adaptation document of the Faculty's undergraduate degrees of Dret of the University of Valencia in the second semester of the 2020/2021 academic year due to the health crisis caused by the COVID-19 pandemic. "This model will be reviewed and adapted, where appropriate, to the instructions received by the Faculty and by the University depending on the evolution of circumstances. In matters not provided for in this addendum, the provisions of the teaching guide and the corresponding teacher's annex will apply.

