

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

Code	36765
Name	Rights and freedoms and Economic Constitution
Cycle	Grade
ECTS Credits	6.0
Academic year	2022 - 2023

Study (s)

Degree	Center	Acad. Period
1933 - D.D. in Law-Economics 2022	Doubles Studies Faculty of Law - Faculty of Economics	2 First term

Subject-matter

Degree	Subject-matter	Character
1933 - D.D. in Law-Economics 2022	2 - Asignaturas de segundo curso	Obligatory

Coordination

Name	Department
MARTINEZ LOPEZ-SAEZ, MONICA	55 - Constitutional Law, Political and Administrative Sciences

SUMMARY

Fundamental Rights and Freedoms and Economic Constitution is a compulsory semester course taught in the second year of the Double Degree in Law and Economics, with a course load of 6 ECTS credits. The contents to be addressed in this subject correspond to issues related to Spanish economic constitutionalism and economic clauses of constitutional rank, as well as to the dogmatic part of the Constitution: the historical evolution of human rights, the concept and foundations of fundamental rights, the system of fundamental rights and freedoms in the Spanish Constitution (with special emphasis on social and economic rights), their guarantees, normative and jurisprudential development, the new perspectives and challenges of human rights in the face of globalization and in the specific context of a market economy, among others.



PREVIOUS KNOWLEDGE

Relationship to other subjects of the same degree

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

Other requirements

Relationship to other subjects of the same degree

This subject provides continuity and complements the contents of the subject 'Constitutional Organization of the State', which is taught as a basic training subject in the first year of the Double Degree in Law and Economics. The course is also related to the subjects 'Legal Institutions of the European Union' and 'Public International Law', insofar as the process of European integration, the constitutionalization of Europe and the internationalization of Constitutional Law have produced a multilevel system of rights (which the Spanish legal system has to take into account when applying and interpreting norms that recognize or develop fundamental rights by virtue of Article 10.2 of the Spanish Constitution). For all of the above, it is recommended that students have previously passed the above-mentioned subjects.

Other requirements

To follow the present subject, it is recommended among others:

To have a fluent oral and written level of the language in which the subject is taught.

OUTCOMES

LEARNING OUTCOMES

- Ability to recognize the importance of the Law as a regulatory system of social relations.
- Ability to use constitutional principles and values, respect for human rights, with special attention to gender equality, sustainability and the culture of peace, as working tools in the interpretation of the legal system.
- Ability to handle legal sources (legal, jurisprudential and doctrinal).
- Ability to read and interpret legal texts.
- Ability to communicate correctly orally and in writing in the legal field.
- Ability to acquire basic knowledge of legal argumentation.



DESCRIPTION OF CONTENTS

1. THE PROCESS OF RECOGNITION OF HUMAN RIGHTS

- 1.- First documents and petitions of rights.
- 2.- The evolution in the process of recognition of human rights.
- 3.- The universalization of rights and freedoms.

2. FUNDAMENTAL RIGHTS AND PUBLIC FREEDOMS WITHIN THE SPANISH CONSTITUTION

- 1.- The concept of fundamental rights and characteristics.
- 2.- The effectiveness of fundamental rights.
- 3.- The restrictions to fundamental rights.
- 4.- The interpretation of fundamental rights.
- 5.- The conditions of enjoyment of fundamental rights.

3. GENERAL GUARANTEES FOR THE PROTECTION OF FUNDAMENTAL RIGHTS

- 1.- General guarantees for the protection of rights.
- 2.- The administrative protection (non-judicial protection) of rights.
- 3.- The Defender of the People (Ombudsperson).
- 4.- Other mechanisms for protection and non-jurisdictional guarantors in the socio-economic context

4. JUDICIAL GUARANTEES FOR THE PROTECTION OF FUNDAMENTAL RIGHTS

- 1.- Special procedures for the judicial protection of fundamental rights: administrative, criminal, social and civil orders.
- 2.- The amparo appeal before the Spanish Constitutional Court.
- 3.- The international protection.
- 4.- The European system for the protection of human rights.

5. THE GENERAL EQUALITY CLAUSE

- 1.- Equality before the Law, within the Law and in the application of the Law.
- 2.- Discrimination and differential treatment.
- 3.- The transversal character of the principle of equality.
- 4.- The so-called positive discrimination.



6. DUE PROCESS OF LAW

- 1.- Content of the right to the due process of law.
- 2.- The access to the judicial system.
- 3.- The development of the proceedings. The lack of defense.
- 4.- The termination of the proceedings.
- 5.- The constitutional guarantees of criminal proceedings.

7. PERSONAL LIBERTY RIGHTS & INFORMATIONAL FREEDOMS

- 1.- Life and physical and moral integrity.
- 2.- Freedom of ideology and religion.
- 3.- Honour, privacy and own image.
- 4.- Inviolability of the home.
- 5.- Secrecy of communications.
- 6.- Protection against the use of data processing.
- 7.- Freedoms of expression and information
- 8.- Freedom of residence and movement.
- 9.- Right to marry.
- 10.- Personal liberty in the context of security

8. RIGHTS POLITICAL PARTICIPATION

- 1.- Guiding principles of social policy: general aspects, recognition and level of guarantee of social rights.
- 2.-The right to education.
- 3.-Freedom of teaching.
- 4.- Labour rights: Freedom to organize (trade unions and employers associations).
- 5.-Other social and cultural rights.
6. The Economic Constitution: general aspects, elements and impact of the principle of budgetary stability.
7. -Private property
- 8.- The right to set up foundations and freedom of enterprise.
- 9.- Other economic rights

9.

10. CONSTITUTIONAL DUTIES

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

**WORKLOAD**

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	60,00	100
Study and independent work	60,00	0
Preparing lectures	15,00	0
Preparation of practical classes and problem	15,00	0
TOTAL	150,00	

TEACHING METHODOLOGY

- Lectures with group discussion.
- Presentation and resolution of practical cases.
- Preparation / presentation of individual or group work.
- Completion of homework and practical cases
- Attendance to tutorial sessions.
- Comprehensive reading of the materials.
- Drafting of summaries, schemes, etc.

EVALUATION

The following evaluation procedure will be used

- Written and/or oral test/s, consisting of one or several exams that may be objective type tests, include theoretical-practical questions and/or problems.
- Evaluation of practical activities, individual and/or group, based on the elaboration, delivery of papers, reports and/or oral presentations; as well as student attendance to seminars.
- Continuous evaluation of each student, based on regular attendance and active participation in the proposed face-to-face activities, degree of involvement in the teaching-learning process and the skills and attitudes shown during the development of the activities.



-For the realization of the applied and complementary activities, the teacher of the subject can use the Service-Learning methodology.

The overall grade may be distributed as follows:

CONTINUOUS EVALUATION

Total of the continuous evaluation 30%.

GLOBAL TEST (theoretical or theoretical-practical exam that can be taken orally or in writing)

70%

TOTAL 100%.

The percentages assigned for each activity in the continuous evaluation modality (applied and complementary evaluable activities) will be specified in the attached Academic Guide ("Teacher's Annex").

In order to pass the course, and to be able to compute the grade obtained in the part of the continuous evaluation, it will be necessary to have obtained at least a 4 out of 10 in the global test. The grade obtained in the continuous evaluation will be reserved for the second exam of the same academic year.

REFERENCES

Basic

- - ÁLVAREZ CONDE, E.; TUR AUSINA, R.: Derecho Constitucional. Tecnos, Madrid. 9ª Edición.
- ALZAGA VILLAAMIL, O. y otros: Derecho político español: según la Constitución de 1978. Centro de Estudios Ramón Areces, Madrid. 5ª Edición.
- BALAGUER CALLEJÓN, F. (Coord.): Manual de Derecho Constitucional. Tecnos, Madrid. 15ª Edición.
- CASTELLÀ ANDREU, J.M. (Ed): Derecho Constitucional Básico. Ed. Huygens, Barcelona. 5ª Edición.
- DEJUÁN ASENJO, O.: La constitución económica española: iniciación económica pública "versus" iniciativa económica privada en la Constitución española de 1978, Centro de Estudios Políticos y Constitucionales, Madrid. 1984.
- DE OTTO PARDO, I.: Derecho Constitucional. Sistema de Fuentes. Ariel, Barcelona. 12ª Edición.
- LÓPEZ GUERRA, L. y ESPÍN TEMPLADO, E. (Coords.), Manual de Derecho Constitucional. Vol I. La Constitución y el ordenamiento jurídico. Derechos y libertades, Valencia, Tirant lo Blanch, 2022.
- NIETO CARIL, U.: La Constitución Económica de 1978. Tirant lo Blanch, Valencia. 2019.
- RODRÍGUEZ-ZAPATA, J.: Teoría y Práctica del Derecho Constitucional. Tecnos, Madrid. 4ª Edición.
- SÁNCHEZ FERRIZ, R.; ROLLNERT LIERN, G.: El Estado Constitucional. Tirant lo Blanch, Valencia. 2020.
- VARELA SUANZES-CARPEGNA, J.: Historia Constitucional de España. Marcial Pons, Madrid. 2020.
- Código de leyes políticas, de cualquier editorial salvo indicación específica del profesor del grupo.



Additional

- GAMBINO, Silvio, LOZANO MIRALLES, Jorge y otros, The Spanish Constitution, Netherlands, Eleven International Publishing, 2018.
- JIMENA QUESADA, Luis, Social Rights and policies in the European Union, Valencia, Tirant lo Blanch, 2016.
- AGUILERA VAQUÉS, Mar y SERRA CRISTÓBAL, Rosario, Rights and freedoms in the Spanish Constitution, Valencia, Tirant lo Blanch, 2015.
- VV.AA.: Derecho Constitucional I, en Base de Conocimiento Jurídico, www.iustel.com (sólo accesible desde un ordenador conectado a la red de la Universidad o mediante conexión VPN) - VV.AA.: Derecho Constitucional II en Base de Conocimiento Jurídico, www.iustel.com (sólo accesible desde un ordenador conectado a la red de la Universidad o mediante conexión VPN) - Constitución española comentada, <http://narros.congreso.es/constitucion/index.htm>.
- Derecho Constitucional I, OCW Universidad de Oviedo, <http://ocw.uniovi.es/course/view.php?id=770>.