

Academic Year: ( 2022 / 2023 )

Review date: 03-05-2022

Department assigned to the subject: Public State Law Department

Coordinating teacher: BAAMONDE GOMEZ, LAURA

Type: Compulsory ECTS Credits : 5.0

Year : 1 Semester : 1

## OBJECTIVES

Students will know in depth and will develop the required dexterity and expertise on the fundamental rights constitutional guarantees, as provided for by the Constitution, the Constitutional Court Organic Law, the Ombudsman Organic Law, the Judicial Power Organic Law...

Students will acquire the required dexterity on the research of the principal case-law on the subject.

Additionally, students will develop the required skills related to the practical application to concrete events (for instance, in contexts of professional counselling or activities on behalf of somebody interests) as well as the completion of reports, judgements, monographic studies, not only with a practical-professional dimension, but also as a way of initiation to the academic research, (previous to doctorate) or even to the studies, analysis and prospective in both public and private centers.

## DESCRIPTION OF CONTENTS: PROGRAMME

1. The fundamental rights in the Spanish Constitution
  - 1.1. General aspects. Meaning and function
  - 1.2. Efficiency
  - 1.3. Limits
  - 1.4. Interpretation criteria
2. Entitlement and exercising of the fundamental rights
3. Principle of equality
4. The constitutional system of fundamental rights guarantees
  - 4.1. Concept and guarantees types
  - 4.2. Guarantees derivative from the constitutional supremacy: multiplicity of systems of constitutionality control. The Spanish system of constitutionality control.
  - 4.3. Normative guarantees
  - 4.4. Non-jurisdictional guarantees: Institutions for the protection of fundamental rights; especial mention to the Ombudsman
  - 4.5. Judicial protection of the fundamental rights: judicial protection and constitutional protection
5. The emergency states and the fundamental rights cancellation

## LEARNING ACTIVITIES AND METHODOLOGY

The face-to-face lectures will expand on the study of the subject main contents, with professor explanations and comments on regulatory, jurisprudential and academic texts. Some other lessons will be totally or partially devoted to solve practical cases.

The subject coordinator as well as the rest of the professors involved in the teaching will establish a schedule for tutorial meetings, during which some problems of constitutional interpretation could be tackled, and the study of the institutions focused in this subject could be expanded, especially for the students not having previous juridic competences.

## ASSESSMENT SYSTEM

Students will be required to produce a guided academic paper about one of the subjects proposed by the subject coordinator. The academic paper will be no more than 9000 words long and will be handed over to the subject coordinator in Word format by e-mail not later than the date previously established. The mark obtained for this paper will represent the 90% of the final mark. The other 10% will depend on the attendance and degree of involvement during the lessons

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| <b>% end-of-term-examination:</b>   | 90 |
| <b>% of continuous assessment (assignments, laboratory, practicals...):</b> | 10 |

#### BASIC BIBLIOGRAPHY

- Francisco J. BASTIDA y otros Teoría general de los derechos fundamentales en la Constitución Española de 1978, Tecnos, última edición
- Javier TAJADURA TEJADA Los derechos fundamentales y sus garantías, Tirant lo Blanch, última edición
- Luis M<sup>a</sup> DÍEZ-PICAZO Sistema de derechos fundamentales, Tirant Lo Blanch, última edición
- Pablo PÉREZ TREMPES Sistema de justicia constitucional, Civitas, última edición
- RUIZ ROBLEDO, A. Constitutional Law in Spain, Kluwer Law International, Last Edition