



## IDENTIFYING DATA

### Law: Constitutional law 2

|                     |                                                                                                                                                                                                                                                                                                                        |                 |      |            |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------|------------|
| Subject             | Law: Constitutional law 2                                                                                                                                                                                                                                                                                              |                 |      |            |
| Code                | V08G081V01204                                                                                                                                                                                                                                                                                                          |                 |      |            |
| Study programme     | Grado en Derecho                                                                                                                                                                                                                                                                                                       |                 |      |            |
| Descriptors         | ECTS Credits                                                                                                                                                                                                                                                                                                           | Choose          | Year | Quadmester |
|                     | 6                                                                                                                                                                                                                                                                                                                      | Basic education | 1st  | 2nd        |
| Teaching language   | Spanish<br>Galician                                                                                                                                                                                                                                                                                                    |                 |      |            |
| Department          |                                                                                                                                                                                                                                                                                                                        |                 |      |            |
| Coordinator         | García Gestoso, María Noemí                                                                                                                                                                                                                                                                                            |                 |      |            |
| Lecturers           | García Gestoso, María Noemí                                                                                                                                                                                                                                                                                            |                 |      |            |
| E-mail              | ngestoso@uvigo.es                                                                                                                                                                                                                                                                                                      |                 |      |            |
| Web                 |                                                                                                                                                                                                                                                                                                                        |                 |      |            |
| General description | The students will have to reach an understanding vision of the system of the fundamental rights and the freedoms recognised in the Spanish Constitution, the procedures that guarantee them and of the institutional and juridical means for there ptection as well as for the defence of the Constitution in general. |                 |      |            |

## Training and Learning Results

|      |                                                                                                                                                                                                                                                                |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Code |                                                                                                                                                                                                                                                                |
| A2   | That students know how to apply their knowledge to their work or vocation in a professional way and possess the skills that are usually demonstrated through the elaboration and defense of arguments and problem solving within their area of study. Know How |
| A3   | That students have the ability to gather and interpret relevant data (usually within their area of study) to make judgments that include a reflection on relevant social, scientific or ethical issues. Know How Know be                                       |
| A5   | That students have developed those learning skills necessary to undertake further studies with a high degree of autonomy. Know be                                                                                                                              |
| B1   | Know the role of law as a regulatory system of social relations. Know                                                                                                                                                                                          |
| B2   | Know the different manifestations of Law in its historical evolution and in its current reality.                                                                                                                                                               |
| B3   | To be able to use constitutional principles and values as a working tool for interpreting the law and developing legal dialectics.                                                                                                                             |
| B4   | To be able to identify legal problems and approach their solution in an interdisciplinary way                                                                                                                                                                  |
| C32  | CE40 - To know the fundamental rights recognized in the Spanish Constitution as well as the systems of guarantees of these rights and the applicable norms.                                                                                                    |
| C33  | CE41 - Know how to interpret and apply the norms that regulate the fundamental rights as well as their guarantees.                                                                                                                                             |
| D1   | Capacity for analysis and synthesis for the elaboration and defense of arguments, as well as organization, planning and use of time in situations of pressure                                                                                                  |
| D4   | Ability to behave ethically and with social responsibility as a citizen and as a professional, respecting diversity and multiculturalism.                                                                                                                      |
| D5   | To be able to solve problems and interpret data from reality with their associated meanings, and to establish links with the different branches of the juridical order.                                                                                        |

## Expected results from this subject

| Expected results from this subject                                                                                                                                                                                                             | Training and Learning Results |    |     |    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|----|-----|----|
| Students must achieve a vision and understanding of the set of fundamental rights and freedoms recognized in the Spanish Constitution, the procedures that guarantee them, as well as the institutional and legal means for their safeguarding | A2                            | B1 | C32 | D1 |
|                                                                                                                                                                                                                                                | A3                            | B2 | C33 | D4 |
|                                                                                                                                                                                                                                                | A5                            | B3 |     | D5 |
|                                                                                                                                                                                                                                                |                               | B4 |     |    |

## Contents

|       |
|-------|
| Topic |
|-------|

|                                                                                                 |                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Fundamental rights. Origin and evolution.                                                       | The rights and fundamental freedoms<br>Origin of the fundamental rights<br>Meaning and evolution.<br>Fundamental rights and Constitutional State                                                                                                                                                                                           |
| The system of fundamental rights in the Spanish Constitution of 1978                            | Regulation in the Constitution<br>Meaning and value<br>Article 10 CE<br>Concept<br>Typology<br>Content<br>Limits<br>Interpretation<br>Guarantee                                                                                                                                                                                            |
| The meaning of the Chapter 1º of the Title I of the CE of 1978                                  | Chapter 1º of the Title I of the CE<br>Presupposed previous full exercise of right<br>Minority of Spanish and foreign age<br>Asylum and extradition                                                                                                                                                                                        |
| The rights of the Section 1ª of the Chapter 2º of the Title I of the CE of 1978                 | Right of equality<br>Rights of the Section 1ª of the Chapter 2º of the Title I:<br>Importance<br>Character<br>The different rights<br>Their guarantees                                                                                                                                                                                     |
| The rights of the Section 2ª of the Chapter 2º of the Title I of the CE of 1978                 | Importance<br>Character<br>The distinct rights<br>Their guarantees                                                                                                                                                                                                                                                                         |
| The guiding principles of the social and economic politics.                                     | Nature and meant<br>Typology<br>Scope                                                                                                                                                                                                                                                                                                      |
| The guarantees of the freedoms and of the fundamental rights.                                   | System of guarantees<br>Level of protection<br>objective Guarantees<br>subjective Guarantees                                                                                                                                                                                                                                               |
| Constitutional justice: Characters and general meanings of the constitutional justice           | Characters and general meaning of the control of the constitutionality                                                                                                                                                                                                                                                                     |
| Constitutional jurisprudence and interpretation of the Constitution                             | Constitutional court and interpretation of the Constitution<br>Special reference to the constitutional interpretation of the Fundamental Rights                                                                                                                                                                                            |
| Suspension of the fundamental rights.                                                           | Individual suspension and general suspension.<br>The State of Emergency.<br>Constitutional and juridical consideration.                                                                                                                                                                                                                    |
| The Constitutional Court (I): composition, competencies and procedures.                         | Composition Constitutional Court<br>Competencies<br>Enumeration of procedures                                                                                                                                                                                                                                                              |
| Constitutional court (II): fundamental Rights, Powers of the State and territorial organisation | The Constitutional Court and the protection of the fundamental rights.<br>Special reference appeal of protect - "Recurso de Amparo".<br>The Constitutional Court and the division of powers<br>The Constitutional Court and the territorial organisation of the State<br>Other aspects and functions of the constitutional Court           |
| Constitutional reform                                                                           | The reform in the Constitution of 1978<br>Objectives<br>Procedures<br>Reforms and fundamental rights                                                                                                                                                                                                                                       |
| Constitution, Constitutional Law and economic unity. European Union and International Law.      | Constitution<br>Constitutional Law<br>Fundamental Rights and International treaties on Human Rights<br>The European Court of Human Rights - The European Convention on Human Rights<br>The European Union's Court of Justice - The European Union's Charter of Fundamental Rights<br>Other international organisms to protect human rights |

## Planning

|  | Class hours | Hours outside the classroom | Total hours |
|--|-------------|-----------------------------|-------------|
|  |             |                             |             |

|                      |    |    |    |
|----------------------|----|----|----|
| Case studies         | 11 | 22 | 33 |
| Mentored work        | 3  | 10 | 13 |
| Lecturing            | 32 | 32 | 64 |
| Essay questions exam | 2  | 25 | 27 |
| Self-assessment      | 3  | 10 | 13 |

\*The information in the planning table is for guidance only and does not take into account the heterogeneity of the students.

| Methodologies |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|               | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Case studies  | Reading and analysis of legal documents or a fact, problem or real case studies in order that the student complete knowledge, reflections on the particular and interpret and generate the hypothesis that he considers appropriate. The student will develop exercises or projects in the classroom under the guidelines and supervision of the teacher. Its development can be linked to autonomous activities of the student. Objective tests of short questions may be included, the test type to verify these objectives and that students know how to self-evaluate, as well as exhibitions and debates by the students before the teacher and / or a group of students of a subject on content of the subject or of the results of a job, exercise, project ... either individually or in groups. |
| Mentored work | The student, individually or in groups, prepares a document on the topic of the subject or prepares seminars, research, reports, essays, summaries of lectures, conferences, etc.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Lecturing     | Exhibition by the teacher of the contents referring to the subject matter of study                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

### Personalized assistance

| Methodologies | Description                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Case studies  | Academic activity developed by the teacher, individual or in small group, that has like purpose attend the needs and queries of the students related with the study and/or subjects linked with the matter, providing him orientation, support and motivation in the process of learning. This activity can develop of face-to-face form (directly in the classroom and in the moments that the professor has assigned for tutorials of dispatch). |
| Mentored work | The student, individually or in groups, prepares a document on the topic of the subject or prepares seminars, research, reports, essays, summaries of lectures, conferences, etc.                                                                                                                                                                                                                                                                  |

### Assessment

|                      | Description                                                                                                                                                                                                                                                                                                                                                   | Qualification | Training and Learning Results |                              |                |  |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------------------------------|------------------------------|----------------|--|
| Case studies         | It will evaluate the resolution of cases related with the matter and the practices. They will evaluate the diverse exercises or projects in the classroom under the guidelines and supervision of the professor. It can be linked his development with autonomous activities of the student. They will use to measure the degree of knowledge of the matters. | 15            | A2<br>A3                      | B3<br>C32<br>C33             | D4<br>D5       |  |
| Mentored work        | The level of vision and understanding of fundamental rights and freedoms recognized in the Spanish Constitution will be evaluated, as well as the procedures that guarantee them, reflected in the works                                                                                                                                                      | 15            | A2<br>A3<br>A5                | B3<br>B4<br>C32<br>C33       | D1<br>D4<br>D5 |  |
| Essay questions exam | Evaluation of the final result of learning by means of the development of question/s on the contents of the matter.                                                                                                                                                                                                                                           | 40            | A5                            | B1<br>B2<br>B3<br>C32<br>C33 | D1<br>D4<br>D5 |  |
| Self-assessment      | Evaluation of the result of learning by means of the development of objective proofs, short the type test, on the contents of the matter self-corrected or by there mates with the purpose to be able to develop criteria for there evaluation.                                                                                                               | 30            | A2<br>A5                      | B1<br>B3<br>C32<br>C33       | D1             |  |

### Other comments on the Evaluation

#### EVALUATION:

The dates and times of the tests of evaluation of the different calls are those specified in the calendar of tests of evaluation approved by the Xunta de Facultad for the course 2020-21

It will always be essential, to take in account the continuous evaluation, obtain a minimum of 5 out of 10 in the exam of question to develop on the content of the program.

#### FIRST CALL:

The continuous evaluation is 30% of the total of the final grade and the exam will represent the remaining 70%. The exam will consist on questions to develop on the content of the subject. Those students who, due to exceptional personal or professional circumstances, can not attend in person at any practical session during the course, may, in the teacher's

opinion, present a work in accordance with the Practice/s. Students who do not follow the continuous evaluation system or who have not passed it during the course will be entitled to a final exam which will involve the written development of questions about the content of the program that will represent 70% of the grade. Obtain in this part at least a minimum of 5 points out of 10), and the realization of a practical assumption that will account for the remaining 30%.

IN The SECOND CALL:

A) Students who, passing the continuous evaluation will not reach a five in the examination of questions of development in the first call, they will be kept the note of the continuous evaluation and they will be made an examination similar to the one of the first call.

B) Students who do not follow during the course the continuous evaluation system or who have not passed it, will be entitled to a final exam that will consist of two parts: a theoretical development question about the content of the program that will be 70 % of the grade (must obtain at least a minimum of 5 points out of 10 in this part) as well as the execution of a practical course that will represent 30% of the remaining grade.

ANNOUNCEMENT END OF CAREER:

The evaluation will be done through a final exam consisting of two parts: a theoretical, developmental question (s) about the content of the program that will represent 70% of the grade (you must obtain at least a minimum of 5 points in this part over 10), and on the other hand the implementation of a practical assumption that will account for 30% of the remaining grade.

NOTE: In the case of passing the continuous evaluation but not approving the subject, the note of the continuous evaluation obtained in the previous year will be kept for the following academic year if the teacher is informed of his desire to keep it.

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#### Sources of information

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Diez-Picazo Giménez, L. Mª., **Sistema de Derechos fundamentales**, 5ª, Tirant Lo Blanch, 2021

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Rodríguez- Zapata, J., **Teoría y Práctica del Derecho Constitucional**, Última, Tecnos,

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##### Complementary Bibliography

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**[www.derechoshumanos.net/tribunales/TribunalEuropeoDerechosHumanos-TEDH.htm](http://www.derechoshumanos.net/tribunales/TribunalEuropeoDerechosHumanos-TEDH.htm)**,

Bilbao Ubillos, J.mª.; Rey, Fernando; Vidal, J., **Lecciones de Derecho Constitucional II**, 2ª, Aranzadi, 2018

Tribunal de Justicia de la Unión Europea, **[https://curia.europa.eu/jcms/jcms/j\\_6/es/](https://curia.europa.eu/jcms/jcms/j_6/es/)**,

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RIQUELME VÁZQUEZ, P., **El contenido esencial de los derechos y libertades: una reinterpretación doctrinal**, 9788411244206, 1<sup>a</sup>, Aranzadi, 2022

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### **Recommendations**

#### **Subjects that continue the syllabus**

European Union Law/V08G081V01304

Economic constitution/V08G081V01946

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#### **Subjects that it is recommended to have taken before**

Law: Constitutional law 1/V08G081V01103

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#### **Other comments**

This subject in the PCEO in Business Administration and Management - Degree in Law is taught in the first quarter of the second Course and the teacher responsible will be María José Gregores Villaverde (mjgv@uvigo.es)

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