Information about the subject

Degree: Official Master's Degree in Law and procure

Faculty: Faculty of Legal, Economic and Social Sciences

Code: 1810016 **Name:** Systems of Judicial, Constitutional, International Tutelage and Practice of the Process before the Court of Justice of the European Union

Credits: 2,00 **ECTS Year:** 1 **Semester:** 2

Module: Constitutional, international and practical judicial protection systems before the European Union's Court of Justice

Subject Matter: Constitutional, international and practical judicial protection systems before the European Union's Court of Justice **Type:** Compulsory

Field of knowledge: Social and Legal Sciences

Department:

Type of learning: Classroom-based learning

Languages in which it is taught: Spanish

Lecturer/-s:

Module organization

Constitutional, international and practical judicial protection systems

Subject Matter	ECTS	Subject	ECTS	Year/semester
Constitutional, international and practical judicial protection systems before the European Union's Court of Justice	2,00	Systems of Judicial, Constitutional, International Tutelage and Practice of the Process before the Court of Justice of the European Union	2,00	1/2

Recommended knowledge

The recommended prior knowledge corresponds to that acquired by a Graduate in Law during his or her training; in particular, in the subjects of the branches of Public International Law, European Union Law and Constitutional Law.

Learning outcomes

At the end of the course, the student must be able to prove that he/she has acquired the following learning outcomes:

R1	Students can distinguish between constitutional rights in general, and fundamental rights in particular, which deserve special protection.
R2	Students can write a complaint before the Ombudsman and before their regional equivalents.
R3	Students can advise on the most appropriate procedure for protecting fundamental rights.
R4	Students can draw up a complaint, a reply to the complaint and the proposal of evidence in the processes of protection of fundamental rights.
R5	Students know and write the appropriate appeals in the processes of jurisdictional protection of fundamental rights.
R6	Students can write a claim for the nullity of administrative acts for the infringement of fundamental rights.
R7	Students can write an appeal for protection before the Constitutional Court, and to know about the legitimacy, deadlines, and place of presentation.
R8	Students prove to have necessary skills to urge the execution of sentences passed in ordinary and constitutional amparo proceedings.
R9	Students can advise the client on the convenience and viability of acting in each of the means studied in the module.
R10	Students can address the protection of fundamental rights in the international arena through jurisdictional and non-jurisdictional means.
R11	Students can integrate the effects of international jurisdictional bodies into the domestic system.
R12	Students can develop a procedure before the ECtHR.
R13	Students can carry out a procedure before the ECJ.
R14	Know the viability and convenience of a claim based on the principle of universal jurisdiction before the Spanish courts.
R15	Students can draft a claim within the framework of the universal jurisdiction contained in Spanish legislation.

R16 Know how to draft a complaint before the European Ombudsman.

Competencies

Depending on the learning outcomes, the competencies to which the subject contributes are (please score from 1 to 4, being 4 the highest score):

BASIC		Weighting			
		1	2	3	4
B6	Students have abilities to understand knowledge that provides a basis or opportunity to be original in the development and/or application of ideas, often in a research context.				x
B7	Students can apply their acquired knowledge and problem-solving skills in new or unfamiliar environments within broader (or multidisciplinary) contexts related to their area of study.		x		
B8	Students integrate knowledge and deal with the complexity of making judgements based on incomplete or limited information, including reflections on the social and ethical responsibilities linked to the application of their knowledge and judgements.		x		
B9	Students communicate their findings and the ultimate knowledge and reasons behind them to specialist and non-specialist audiences in a clear and unambiguous manner.			x	
B10	Students develop the learning skills that will enable them to continue studying in a largely self-directed or autonomous manner.			x	

GENERAL		Weighting			
		1	2	3	4
G1	Students can find and select information and relevant sources for problem solving, development of action strategies and advice to clients.			x	
G2	Prepare and handle the writings, reports and procedures of action most suitable for the problems raised.		x		
G3	Relate the instruments to be able to plan, order and channel activities in such a way that unforeseen events are avoided as much as possible, possible problems are foreseen and minimized, and their solutions are anticipated.		x		

G4	Apply a set and take into account the different aspects and implications in the different aspects of the decisions and options adopted, knowing how to choose or advise the most convenient within the ethics, legality and values of social convenience .			x	
G5	Demonstrate working in professional and multi-professional teams with efficacy and efficiency reproducing real contexts and contributing and coordinating one's own knowledge with that of other branches and participants.		x		
G6	Provide individual decisions and actively contribute to collective decision making.			x	
G7	Project and incorporate new technologies to the professional practice.		x		
G8	Control contradictory information and provide a critical judgment on it.		x		
G9	Relate and relate cases, problems or situations and provide and defend possible solutions through different techniques of presentation - oral, written, presentations, etc.		x		
G10	Students assume the legal profession as a social and solidarity function, beyond the strict free justice.			x	

SPECIFIC		Weighting			
		1	2	3	4
E1	Possess skills that allow applying the specialized knowledge acquired in the bachelor's degree or degree to the exercise before courts or public authorities, as well as in advisory functions.			x	
E3	Know and integrate the defence of clients' rights within the framework of national and international jurisdictional protection systems.			x	
E5	Know the procedural techniques and be able to execute as many acts as are entrusted to them or for which they are authorized to carry out in the different jurisdictional orders, with special attention to deadlines, acts of communication, execution and means of enforcement.	x			

E7	Know and know how to apply professional deontological rights and duties in the relations of the person exercising the law or the procurement with clients, other parties, courts or public authorities and among other persons practicing law or the procurement, as well as with other professionals.	x		
E10	Know how to identify conflicts of interest and know the techniques for their resolution, establish the scope of professional secrecy and confidentiality, and preserve the independence of criteria.			x
E11	Know how to identify the delivery and organizational requirements that are decisive for legal advice and procedural representation.	x		
E12	Know and know how to apply in practice the organizational, management and commercial environment of the legal profession, as well as its associative, tax, labor and personal data protection legal framework.		x	
E13	Develop skills and abilities to choose the correct strategy to defend the rights of clients taking into account the demands of the different fields of professional practice.			x
E14	Develop the ability to choose the most appropriate means offered by the legal system for the performance of a quality technical representation.	x		
E15	Develop the skills and abilities necessary for the use of procedures, protocols, systems, and judicial applications, which require the acts of communication and cooperation with the Administration of Justice with special attention to those of an electronic, computer and telematics nature.			x
E17	Know how to develop skills that allow you to improve the efficiency of your work and enhance the overall functioning of the team or institution in which it develops through access to sources of information, knowledge of languages, management of the Knowledge and management of applied techniques and tools.	x		
E18	Know, know how to organize and plan the individual and collective resources available for the exercise in its different organizational modalities of professional practice.	x		
E19	Know how to present facts orally and in writing, and extract legal consequences from arguments, in attention to the context and the recipient to whom they are addressed, in accordance with the modalities of each procedural area.			x
E20	Know how to develop professional work in specific and interdisciplinary teams.		x	

E21	Know how to develop interpersonal skills and abilities, which facilitate professional practice in their relations with the citizens, with other professionals and with institutions.		x

Assessment system for the acquisition of competencies and grading system

Assessed learning outcomes	Granted percentage	Assessment method
R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16	40,00%	Objective tests and final examination in person.
R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16	40,00%	Theoretical and practical activities.
R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16	20,00%	Attendance and participation in class.

Observations

Attendance 10%. It is required to attend 100% of the sessions to get the total mark.
Participation 10%: An active, proactive, non-exclusive and constructive participation is required to obtain the maximum mark. Absence disqualifies participation.
In order to compute the set of factors, a minimum score of 5 out of 10 must be obtained in the individual final exam at the first call. In the second call, only the mark obtained in the final exam will be counted for the purposes of obtaining the final mark.

MENTION OF DISTINCTION:

According to Article 14.4 of the General Regulations for the Assessment and Grading of Official Courses and UCV Qualifications, the distinction of 'Honours' may be awarded to students who have obtained a grade of 9.0 or higher. The number of honours may not exceed five per cent of the students enrolled in a group in the corresponding academic year, unless the number of students enrolled is less than 20, in which case only one 'Honours' may be awarded.

Learning activities

The following methodologies will be used so that the students can achieve the learning outcomes of the subject:

M1 Exposition of contents by the teacher, analysis of competencies, explanation and demonstration of capacities, skills and knowledge in the classroom. Specific instructions about group and individual work on each topic.

M2 Group work sessions in groups supervised by the teacher. Study of legal cases, both true and fictitious, diagnostic analysis, problems, field study, computer room, visits, data search, libraries, network, Internet, etc. Significant construction of knowledge through student interaction and activity.

M3 Application of interdisciplinary knowledge.

M4 Personalized attention and in small groups. Period of instruction and/or orientation carried out by a tutor with the objective of reviewing and discussing the materials and topics presented in the classes, seminars, readings, completion of assignments, etc.

M5 Set of oral and/or written tests used in the initial, formative or summative evaluation of the student.

M6 Group preparation of readings, assumptions and problem solving to present, discuss or deliver in the classes or tutorial.

M7 Student's study: Individual reading preparation, study of practical cases, jurisprudence. Writing of writings and papers to present or deliver in classes or tutorials.

IN-CLASS LEARNING

IN-CLASS LEARNING ACTIVITIES

	LEARNING OUTCOMES	HOURS	ECTS
Face-to-face lessons. M1, M2	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16	20,00	0,80
Evaluation. M5	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16	1,00	0,04
TOTAL		**21,00**	**0,84**

LEARNING ACTIVITIES OF AUTONOMOUS WORK

	LEARNING OUTCOMES	HOURS	ECTS
Individual work. M7	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16	29,00	1,16
TOTAL		**29,00**	**1,16**

Description of the contents

Description of the necessary contents to acquire the learning outcomes.

Theoretical contents:

Content block	Contents
LESSON 1: The protection of human rights on the international context. The action of the United Nations Committees.	Protectable rights. The procedure before the United Nations Monitoring Committees. Procedural value of the opinions.
LESSON 2: The jurisdictional protection of Fundamental Rights and Public Freedoms	The jurisdictional guarantees. Civil, criminal, labor and contentious-administrative fields. Special processes in relation to certain rights.
LESSON 3: The protection of rights before the Constitutional Court	The appeal for protection before the Constitutional Court. Legitimation. Requirements. Procedure. Effects of Decisions.
LESSON 4º: The protection of human rights before the European Court of Human Rights	The European Court of Human Rights. - Competence and procedure
LESSON 5: The protection of human rights before the Inter-American Court of Human Rights and other international tribunals	The protection of human rights before international jurisdiction. -The Inter-American Court of Human Rights and the International Criminal Court -Jurisdiction and procedure. - The value of decisions in the national legal systems.
LESSON 6: The protection of Fundamental Rights and Freedoms in the European Union through non-jurisdictional ways.	Non-jurisdictional means of protecting rights at the European regional level. - Complaints to the European Ombudsman.
LESSON 7: The access of particulars to European Union Court of Justice.	Preliminary questions. -The appeal by omission. Appeal for non-contractual liability. -The effects of EUCJ Decisions in the European Members domestic systems

Temporary organization of learning:

Block of content	Number of sessions	Hours
LESSON 1: The protection of human rights on the international context. The action of the United Nations Committees.	1,00	2,00
LESSON 2: The jurisdictional protection of Fundamental Rights and Public Freedoms	2,00	4,00
LESSON 3: The protection of rights before the Constitutional Court	1,50	3,00
LESSON 4º: The protection of human rights before the European Court of Human Rights	1,00	2,00
LESSON 5: The protection of human rights before the Inter-American Court of Human Rights and other international tribunals	2,00	4,00
LESSON 6: The protection of Fundamental Rights and Freedoms in the European Union through non-jurisdictional ways.	1,00	2,00
LESSON 7: The access of particulars to European Union Court of Justice.	2,00	4,00

References

·Rodríguez-Zapata, J. E., Teoría y práctica del Derecho Constitucional, Madrid: Tecnos. 2011.

·Sánchez Ferriz, R. y otros: El Estado Constitucional, Valencia: Tirant lo Blanch. 2009.

·Agudo Zamora, M. y otros: Manual de Derecho Constitucional. Madrid: Tecnos. 3ª ed., 2012.

·Aparicio Pérez, M y Barceló Serramalera, M.: Manual de Derecho Constitucional. Madrid: Atelier, 2009.

·Díez-Picazo Giménez, L.: Sistema de Derechos Fundamentales. Aranzadi, 2011

·Cotino Hueso, L. Derecho Constitucional II: Derechos fundamentales. Publicacions de la Universitat de València, 2007.

·Andrés Sáenz De Santamaría, P. Sistema de Derecho Internacional Público, Madrid, Civitas, 2018.

·Remiro Brotons, A. Et Al, Derecho Internacional. Curso general, , Valencia: Tirant lo Blanch, 2014.

·Escobar Hernandez, C., Instituciones de la Unión Europea, ., Valencia: Tirant lo Blanch, 2014.

·Mangas Martín, A. Instituciones de la Unión Europea, Madrid: Tecnos, 2018.

·Mangas Martín, A., La influencia de la jurisprudencia del Tribunal Europeo de Derechos Humanos en el derecho interno. Valencia: Tirant Lo Blanch, 2019.

·Ruiz Robledo, A., Compendio de Derecho Constitucional Español (4ª ed.), Valencia: Tirant Lo Blanch, 2022.

·Rollnert, G. y Sánchez Ferriz, R., El Estado Constitucional, Valencia: Tirant Lo Blanch, 2022.