



## IDENTIFYING DATA

### Law: Constitutional law 2

Subject	Law: Constitutional law 2			
Code	V08G081V01204			
Study programme	Degree in Law			
Descriptors	ECTS Credits	Choose	Year	Quadmester
	6	Basic education	1st	2nd
Teaching language	Spanish 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 protection as well as for the defence of the Constitution in general.			

## Competencies

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.

## Learning outcomes

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

## Planning

	Class hours	Hours outside the classroom	Total hours

Case studies	10	20	30
Mentored work	5	10	15
Lecturing	36	63	99
Essay questions exam	2	0	2
Self-assessment	2	2	4

\*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.	10	A2 A3	B3	C32 C33	D4 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	10	A2 A3 A5	B3 B4	C32 C33	D1 D4 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.	70	A5	B1 B2 B3	C32 C33	D1 D4 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.	10	A2 A5	B1 B3	C32 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

### Basic Bibliography

López Guerra, L.; Espín, E., y otros, **Derecho Constitucional (2 vols)**, 11ª, Tirant lo Blanch, 2018

Diez-Picazo Giménez, L. Mª., **Sistema de Derechos fundamentales**, 4ª, Civitas/Thomson Reuters, 2013

Agudo Zamora, M., y otros, **Manual de Derecho Constitucional**, 9ª, Tecnos, 2018

Rodríguez- Zapata, J., **Teoría y Práctica del Derecho Constitucional**, 4ª, Tecnos, 2018

Base de datos Tirant on line, **Tirant on Line**,

### Complementary Bibliography

Castellá Andreu, J. Mª, **Derecho Constitucional Básico**, 4ª, Huygens, 2018

De Vega, P., **La reforma constitucional y la problemática del poder constituyente**, 1ª, Tecnos, 2000

Pérez Tremps, Pablo, **Las reformas constitucionales hechas y no hechas**, 1ª edición, Tirant lo Blanch, 2018

Ruipérez Alamillo, Javier, **En torno a la reforma constitucional y la fuerza normativa de la Constitución**, 1ª edición, Tirant lo Blanch, 2018

Bergareche Gros, A. (Dir.), **Almudena Bergareche Gros (dir.), Reconstruyendo el Derecho: Materiales para la igualdad**, Editorial Universidade de Vigo, 2017., 1ª, Servicio editorial de la Universidad de Vigo, 2017

Villanueva Turnes, A. (Coord.), **Derechos Fundamentales: Aspectos básicos y actuales**, 1ª. edición, Andavira, 2017

Ferrer Mac Gregor, Eduardo; Herrera García, Alfonso (Coords), **El diálogo entre el Tribunal de Derechos Humanos, los Tribunales Constitucionales y otros órganos jurisdiccionales en el espacio convencional europeo**, 1ª edición, Tirant lo Blanch, 2013

García Roca, Javier; Santolaya Machetti, Pablo (Coords.), **La Europa de los Derechos El Convenio Europeo de Derechos Humanos**, 3ª edición, Centro de Estudios Políticos y Constitucionales, 2014

García Roca, Javier; Carmona Cuenca, Encarna (Editores), **¿Hacia una globalización de los derechos? El impacto de las sentencias del Tribunal Europeo y de la Corte Interamericana**, 1ª edición, Instituto de Derecho Parlamentario Thomson Reuters, 2017

Revista española de Derecho Constitucional, **Revista española de Derecho Constitucional**, CEPC,

Teoría y Realidad Constitucional, **Teoría y Realidad Constitucional**, UNED,

Portero Molina, J.A., **Constitución y jurisprudencia constitucional**, Tirant lo Blanch,

Base de datos Aranzadi-derecho, **Aranzadi**,

Código de derechos fundamentales, **Civitas**, 2015, Civitas, 2015

Código, **Leyes políticas del Estado**, última, Civitas,

[www.congreso.es](http://www.congreso.es), **www.congreso.es**,

[www.tribunalconstitucional.es](http://www.tribunalconstitucional.es), **www.tribunalconstitucional.es**,

[www.senado.es](http://www.senado.es), **www.senado.es**,

[www.boe.es](http://www.boe.es), **www.boe.es**,

[www.cepc.es](http://www.cepc.es), **www.cepc.es**,

Tribunal europeo de derechos humanos,

**www.derechoshumanos.net/tribunales/TribunalEuropeoDerechosHumanos-TEDH.htm**,

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/)**,

Pérez Tremps, P.; Saiz Arnaiz, A., **Comentario a la Constitución Española libro-homenaje a Luis López Guerra. 40 aniversario 1978-2018**, 1ª, Tirant lo Blanch, 2018

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## Recommendations

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### Subjects that continue the syllabus

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European Union Law/V08G081V01304

Economic constitution/V08G081V01946

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

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Law: Constitutional law 1/V08G081V01103

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### Other comments

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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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## Contingency plan

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### Description

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EXCEPTIONAL MEASURES PLANNED ===

Given the uncertain and unpredictable evolution of the health alert caused by COVID-19, the University of Vigo establishes extraordinary planning that will be activated at the time that the administrations and the institution itself determine it based on criteria of safety, health and responsibility, and guaranteeing teaching in a non-classroom or partially classroom setting. These already planned measures guarantee, at the required time, the development of teaching in a more agile and effective way, as it is known in advance (or well in advance) by the students and teachers through the standardized tool and institutionalized teaching guides.

=== ADAPTATION OF THE METHODOLOGIES ===

\* Teaching methodologies that are maintained

Master lesson

Exposition by the teacher of the contents referring to the subject matter of study.

Study of cases

Reading and analysis of legal documents or a fact, problem or real practical cases in order for the student to complete knowledge, reflections on the particular and interpret and generate the hypotheses that they consider appropriate. The student develops exercises or projects in the classroom under the guidelines and supervision of the teacher. Its development may be linked to autonomous student activities. Test-type tests may be included to verify these objectives.

\* Teaching methodologies that are modified

Both the master classes and the Case Studies will adapt the situation of non-attendance using the teledoaching tools provided by UVigo.

To do this, they will use the virtual classrooms provided by UVigo and the existing exchange tools at FAITIC.

\* Non-attendance mechanism for student attention (\*\* tutorials)

Through the remote campus in the virtual office assigned by the teacher, at the scheduled times, and providing the access code to the students. Exceptionally through email or other methods, videoconferences, etc.

\* Additional bibliography to facilitate self-learning

Apart from the topics, summaries and complementary documents that will be uploaded to FAITIC and the titles provided in the teaching guide, other suitable resources that the University of Vigo will provide will be communicated, such as access to different publications that the University provides and to which You can access it for free, the instructions to access them will be provided in due course through FAITIC.

Information on learning links and other documents will be reinforced.

\* Other modifications

=== ADAPTATION OF THE EVALUATION ===

\* Tests already carried out

Without modifications.

\* Pending tests that are maintained

The tests will be the same but the percentages will vary.

Theoretical exam: Change in the percentage: weight of 60% on the final grade.

Change of modality: test on the content of the program.

Minimum theoretical exam grade: 4 out of 10 to add the continuous assessment grade

Continuous evaluation: Change in the percentage: weight of 40% on the final mark of the tests without modifications except in exceptional circumstances.

The continuous assessment tests in the will be modified except in the weighting of the note of the total of those made before the continuous assessment modality for adaptation of the new percentages from the moment of change.

If a part of the continuous evaluation was done in person and another virtual part, the percentage of 40% would be weighted according to the grade of the face-to-face and the non-face-to-face.

\* Evidence that is modified

First call:

The theoretical exam will consist of a test of questions on the content of the test type material, carried out through the platforms that the University of Vigo enables for this purpose.

Second call:

If they occur in the same situation as the first call, the same modalities of tests and percentages will be applied, and the minimum required in the first call, both for the theoretical exam and for the continuous assessment, whose grade will be kept.

In the case of changes in circumstances, which allow for their in-person conduct, the exam will be carried out in accordance with the provisions set forth for all purposes in the normal teaching guide, except in the case of having been part of the teaching and virtually continuous evaluation. In this case, it will be enough to obtain a minimum of 4 points out of 10 in the theoretical exam to add the mark of the continuous evaluation and thus obtain the final mark.

### 3. Students who did not accept or failed the continuous assessment

First and second call:

Those who do not follow the continuous assessment system during the course, or who did not pass it, will be entitled to a final exam, the same and with the same rules as that done by their peers, either on the first or second call.

End of degree call:

The evaluation will consist of a test of questions about the content of the test-type subject, carried out through the platforms that the University of Vigo enables for this purpose (60% of the final grade) and a development of a practical case (40% of the final grade). It will be enough to obtain in the theoretical exam a minimum of 4 points out of 10 to add the mark of the continuous evaluation to obtain the final mark.

\* New tests

In the event that any of the tests provided in the teaching guide cannot be carried out or in exceptional cases, it may be substituted by another type of test determined by the teacher.

\* Additional Information

Those who have problems connecting virtually through the virtual platforms established by the University of Vigo should notify the faculty as soon as possible, sending an email with all their data to send it to the corresponding service of the University so that they can provide a solution.

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