

Master en Ciencias Jurídicas	
<b>Asignatura:</b> Constitutional Pluralism and Fundamental Rights Protection in Europe	<b>Trimestre:</b> 2
	<b>Créditos:</b> 5
	<b>Leng:</b> English
<b>Profesores:</b> Alejandro Saiz Arnaiz, Aida Torres Pérez	
Despacho: 40.229, 40.1E18	
Horario de atención: Tuesdays 13:00-14:00	
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Descripción de la asignatura
<p>In Europe, the signature of the Rome Convention in 1950 (ECHR) and the process of economic and political integration in the European Union (EU) over the second half of the twentieth century have contributed to create multiple spheres of rights' protection on the basis of the state constitution, the ECHR, and EU law, in particular the Charter of Fundamental Rights. The ultimate interpreters of the respective declarations of rights are Constitutional or Supreme Courts, the European Court of Human Rights, and the Court of Justice of the European Union. The interplay and mutual conditioning among these courts has given rise to the so-called European <i>ius commune</i> in the area of fundamental rights. In this plural context, the course analyses the interaction between the constitutional, supranational, and international legal orders from the standpoint of the respective courts.</p> <p>Abilities and competences: comprehension of the several systems of rights protection in Europe and their mutual interaction. Critical approach to the problems of interpretation and judicial protection of fundamental rights. Use and analysis of doctrinal and legal texts, and constitutional, international, and supranational case-law.</p>

Requisitos previos
None.

Metodología
The students shall come to class prepared to discuss the materials previously assigned by the professor. Active participation in class is expected.

Programación	
<b>Contents</b>	<p>The protection of rights in multiple spheres and judicial dialogue</p> <p>The European Convention on Human Rights:</p> <ul style="list-style-type: none"> <li>• interpretation by the European Court of Human Rights (ECtHR)</li> <li>• execution and effects of ECtHR's judgments</li> <li>• the interaction between the ECtHR and national courts</li> </ul> <p>The European Union and the Charter of Fundamental Rights:</p> <ul style="list-style-type: none"> <li>• the scope of application of the Charter to the Member States</li> </ul>

	<ul style="list-style-type: none"> <li>• potential conflicts between levels of protection</li> <li>• Constitutional Courts and the Court of Justice of the European Union</li> <li>• the interaction between the CJEU and the ECtHR in light of the accession of the EU to the ECHR</li> </ul>

<b>Actividades</b>
Class discussion of assigned materials and written assignments.

<b>Evaluación</b>		
<b>Concepto</b>	<b>%</b>	<b>Comentario</b>
Written assignments	80	Over the course, the students may be asked to submit written assignments. By the end of the course, the students will submit a paper showing the acquisition of the required knowledge and abilities.
Class participation	20	Attendance is compulsory and oral participation will be evaluated.

<b>Bibliografía y materiales</b>
AA.VV., The status of international treaties on human rights, Ed. Council of Europe.
AA.VV., Constitución Europea y Constituciones nacionales, Ed. Tirant lo Blanch, 2005.
AA.VV., Constitución española y Constitución Europea, Ed. CEPC, 2005.
Alonso García, R., y Sarmiento, D., La Carta de los derechos fundamentales de la Unión Europea, Ed. Civitas, 2006.
Alston, P. (ed.), The EU and Human Rights, Oxford University Press, 1999.
Harris, O'Boyle and Warbrick, Law of the European Convention on Human Rights, OUP, 2 <sup>nd</sup> ed. 2009.
Keller, H., Stone Sweet, A. (eds.), A Europe of Rights, OUP, 2008
Saiz Arnaiz, A., La apertura constitucional al Derecho Internacional y Europeo de los derechos humanos. El artículo 10.2 de la Constitución española, Ed. C.G.P.J., 1999.
Saiz Arnaiz, A. (dir.), Integración europea y poder judicial, IVAP 2006.
Silva García, F., Derechos humanos. Efectos de las sentencias internacionales, Ed. Porrúa, 2007.
Sudre, F., Droit européen et international des droits de l'homme, Ed. P.U.F., 10 <sup>a</sup> ed., 2011.
Torres Pérez, A., Conflicts of Rights in the European Union. A Theory of

Supranational Adjudication, OUP, 2009.

Ugarte Mendía Eceizabarrena, J.I. y Ripol Carulla, S. (dirs.), España ante los tribunales internacionales europeos. Cuestiones de política judicial, IVAP, 2008.