

**Course syllabus**

<b>Subject name</b>	Judicial protection of Fundamental Rights
<b>Field of study</b>	Procedural Law
<b>ECTS credits</b>	6
<b>Semester</b>	2 (Spring)
<b>Language</b>	English
<b>Professor/s</b>	Begoña Vidal Fernández
<b>Department</b>	Constitutional, Procedural and Ecclesiastical Law
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**1. Description**

Judicial protection of fundamental rights in Spain can be ordinary made by the judiciary through special proceedings called “Amparo”, in every jurisdictional order. Once this way is exhausted, it’s possible subsidiary protection with the “appeal of constitutional amparo” before the Spanish Constitutional Court. In case you don’t find protection for your fundamental right inside Spain, it’s still possible to ask for it before the European Court of Human Rights in Strasbourg. And, as a Member State of the European Union, Spain has also the European Chart of Fundamental Rights, whose protection belongs to the European Court of Justice in Luxembourg. Finally, it’s important to know how the International Criminal Court works, and how is it organized. The aim of this academic subject is to study all those proceedings in order to achieve a good knowledge of judicial protection of fundamental rights in Spain and European Union.

**2. Course learning objectives**

Students should be able to:

1. Become familiar with the main theoretical approaches to the study of judicial remedies for protecting fundamental rights.
2. Acquire a global knowledge of the Spanish judicial protection system of fundamental rights as well as the European Convention System and European Union System.
3. Knowledge about jurisdiction, proceedings, structure and how the International Court of Criminal Justice works.
4. Understand and master proceedings tools and case-law.



### 3. Contents / Programme

List of topics:

Topic 1: Key concepts and overview of all the procedural tools and legal regulation.

Topic 2: Spanish Judicial Protection of Fundamental Rights System.

Topic 3: European Union Judicial Protection of Fundamental Rights System.

Topic 4: European Convention of Human Rights Procedural Protection System.

Topic 5: International Criminal Court of Justice Procedural Protection System.

### 4. Bibliography

#### Principal reference handbook:

VIDAL FERNÁNDEZ, Begoña. *Protección Jurisdiccional de los Derechos Fundamentales*. Tecnos 2015.

A synthesis of the most important parts will be provided in English.

#### Other reference Works:

FRA (European Union Agency for Fundamental Rights). *Fundamental Rights Report*.

FRANTZIOU, E., "The Horizontal Effect of the Charter: Towards an Understanding of Horizontality as a Structural Constitutional Principle", *Cambridge Yearbook of European Legal Studies*, 22 (2020), pp. 208–232.

KOKOTT, J. "German Constitutional Jurisprudence and European Integration (I and II)". *European Public Law*, Vol. 2, Issue 2 and Issue 3.

KORNEZOV, A. "Shaping the new architecture of the European Union System of Judicial Protection Remedies: Comment on Inuit". *European Law Review*, April 2014: 251-263.

KOSTAKOPOULOU, D., "Justice, individual empowerment and the principle of non-regression in the European Union", *E.L. Rev.* 2021, 46(1), 92-104.

LANGER, M. "The Diplomacy of Universal Jurisdiction: the Political branches and the transnational prosecution of international crimes". *The American Journal of International Law*, Vol. 105, 2011.

LIAKOPOULOS, D. "Procedural harmonization, mutual recognition and multi-level protection of fundamental procedural rights". *Revista General de Derecho Procesal*, nº47, 2019.

POLITI, M. and GIOIA, F. "The Criminal Procedure before the International Criminal Court: main features". *New international tribunals and new international proceedings* (Coord. Angel Del Vecchio). 2006:135-156.



RAUCHEGGER, C., "National Constitutional Courts as Guardians of the Charter: A Comparative Appraisal of the German Federal Constitutional Court's Right to Be Forgotten Judgments", *Cambridge Yearbook of European Legal Studies*, 22 (2020), pp. 258–278.

SARMIENTO, D. "Who's afraid of the Charter? The Court of Justice, National Courts and the new framework of fundamental rights protection in Europe". *Common Market Law Review*, 50: 1267-1304, 2013.

VAGIAS, M. "The territorial jurisdiction of the International Criminal Court –a jurisdiction rule or reason for the ICC?" *Netherlands International Law Review*, Vol.19, nº1. 2012: 43-64.

#### Main internet references:

CONSEJO GENERAL DEL PODER JUDICIAL: [www.poderjudicial.es](http://www.poderjudicial.es)

TRIBUNAL CONSTITUCIONAL: [www.tribunalconstitucional.es](http://www.tribunalconstitucional.es)

EUROPEAN UNION COURT OF JUSTICE: [www.curia.europa.eu](http://www.curia.europa.eu)

EUROPEAN COURT OF HUMAN RIGHTS: [www.echr.coe.int](http://www.echr.coe.int)

INTERNATIONAL CRIMINAL COURT: <http://www.icc-cpi.int/>

WEB:[http://www.derechoshumanos.net/derechos/index.htm?gclid=CN2J5eKfqL0CFSMYw\\_wodFigA\\_dg](http://www.derechoshumanos.net/derechos/index.htm?gclid=CN2J5eKfqL0CFSMYw_wodFigA_dg)

#### 5. Workload distribution

Activities	Hours
Classroom-based activities (Lectures, seminars)	40
Guided activities and practical sessions	15
Independent study, completion of work related with each topic	95
<b>Total</b>	<b>150</b>

#### 6. Assessment criteria

TOOLS	%	OBSERVATIONS
Ongoing assessment	100%	Class participation, practical exercises, case-law studies. - Attendance at conferences, with proof of attendance being provided by submitting a summary of the lecturer's presentation. - Completion of work related to each of the topics.