

TEMELJNE PRAVICE V EU IN JAVNA UPRAVA

UČNI NAČRT PREDMETA/COURSE SYLLABUS

Predmet:	TEMELJNE PRAVICE V EU IN JAVNA UPRAVA
Course title:	FUNDAMENTAL RIGHTS IN THE EU AND PUBLIC ADMINISTRATION
Članica nosilka/UL Member:	UL FU

Študijski programi in stopnja	Študijska smer	Letnik	Semestri	Izbirnost
Uprava - Upravljanje javnega sektorja, druga stopnja, magistrski (od študijskega leta 2025/2026 dalje)	Upravljanje v evropskem prostoru (smer)	2. letnik	1. semester	izbirni

Univerzitetna koda predmeta/University course code:	0644049
Koda učne enote na članici/UL Member course code:	2308

Predavanja /Lectures	Seminar /Seminar	Vaje /Tutorials	Klinične vaje /Clinical tutorials	Druge oblike študija /Other forms of study	Samostojno delo /Individual student work	ECTS
24	10			56	90	6

Nosilec predmeta/Lecturer:	Verica Trstenjak
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Vrsta predmeta/Course type:	OBVEZNO IZBIRNI 2. LETNIK/CORE ELECTIVE 2. LETNIK
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Jeziki/Languages:	Predavanja/Lectures:	Angleščina, Slovenščina
	Vaje/Tutorial:	

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:

Ni pogojev.

Prerequisites:

No prerequisites.

Vsebina:

1. Temeljne in človekove pravice.
2. Pravna ureditev človekovih pravic v EU.
3. Pravna ureditev človekovih pravic v Svetu Evrope.
4. Pravna ureditev človekovih pravic na svetovni ravni.
5. Posebnosti varstva človekovih pravic v Sloveniji.
6. Pravni postopki za varstvo človekovih pravic.
7. Človekove pravice in javna uprava.
8. Človekove pravice in pravna država.
9. Človekove pravice in gospodarstvo.
10. Aktualni primeri iz prakse - migracije.
11. Aktualni primeri iz prakse - osebni podatki.

Content (Syllabus outline):

1. Fundamental rights and human rights
2. Human rights legal framework in the EU
3. The legal framework of human rights in the Council of Europe
4. The global legal framework of human rights
5. Specific features of the protection of human rights in Slovenia
6. Legal proceedings for the protection of human rights
7. Human rights and public administration
8. Human rights and rule of law
9. Human rights and business
10. Contemporary examples - migration

12. Aktualni primeri iz prakse - digitalna doba.	11. Contemporary examples - personal data 12. Contemporary examples - digital age
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Temeljna literatura in viri/Readings:

1. Book chapter published by Routledge/CRC Press in the Routledge Handbook on Private Law and Sustainability, 2024.
2. Trstenjak, V. (2021). Corona and fundamental Rights. V Hondius, E. at all. Coronavirus and the Law in Europe, 1-25.
3. Trstenjak, V. (2021). Fundamental rights in Europe, (Temeljne pravice v EU) GV založba, 316 strani.
4. Trstenjak, V. (2021). Human Rights in the Digital Era: From Digital Practice to Digital Law and Case Law. V Miller, K. in Wendt, K. The Fourth Industrial Revolution and Its Impact on Ethics, Springer, 241-251.
5. Trstenjak, V. (2023). Limitations of Fundamental Rights in EU Law: Are Human Rights Absolute? European Review, Cambridge University Press, 1-13.
6. Trstenjak, V. (2024). Sustainability and the Impact of the Court of Justice of the EU.
7. Trstenjak, V. in Weingerl, P. (2016). The Influence of Human Rights and Basic Rights in Private Law, Springer, 593. str.
8. Aktualni članki.
9. Pravni akti EU in sodbe Sodišča EU ter sklepni predlogi generalnih pravobranilcev.

Cilji in kompetence:

Cilji:

- študent se seznani s pravno ureditvijo človekovih pravic in temeljnih svoboščin v svetu, s posebnim poudarkom na ustreznih listinah, sprejetih v okviru OZN in najpomembnejših evropskih listinah s tega področja,
- študent razume pomen EU Listine o temeljnih pravicah in delovanje in sestavo Sveta Evrope in Evropsko konvencijo o človekovih pravicah in temeljnih svoboščinah ter Evropsko sodišče za človekove pravice,
- delavci v javni upravi se seznani s problemi povezanimi s človekovimi pravicami,
- študenta spodbudimo k razumevanju in ustvarjanju kritičnega mišljenja glede vloge javne uprave pri zagotavljanju človekovih pravic.

Kompetence:

- študent je zmožen razumeti ustroj pravne ureditve človekovih pravic in svoboščin v Evropi in širšem svetovnem kontekstu,
- študent razume delovanje temeljnih organizacij na področju varovanja človekovih pravic,
- študent razume povezavo med javno upravo in človekovimi pravicami ter je zmožen ustvarjanja kritičnega pogleda na vlogo javne uprave pri varovanju človekovih pravic.

Objectives and competences:

Objectives:

- The students are getting acquainted with legal regulation of human rights and fundamental freedoms, with special emphasis on relevant instruments adopted within the framework of the UN and European organizations.
- The student should understand the importance of the EU Charter of fundamental rights and the functioning of Council of Europe and European Convention on Human Rights and Fundamental Freedoms, as well as European Court of Human Rights.
- EU civil servants have to be familiar with the problems concerning human rights
- The student is encouraged to understand and create critical thinking regarding the role of public administration in ensuring human rights.

Competencies:

- The student is able to understand the structure of the legal system of human rights and freedoms in Europe and global context.
- The student understands functioning of the main organizations in the field of human rights protection.
- The student understands the connection between the public administration and human rights and is capable of creating a critical view of the role of public authorities in protecting human rights.

Predvideni študijski rezultati:

- študentje zna razlikovati med različnimi organizacijami s področja človekovih pravic,
- študent zna praktične primere kršitev človekovih pravic povezati z normativno premiso oziroma mednarodnimi listinami z zadevnega področja,

Intended learning outcomes:

- The student can distinguish between different organizations in the field of human rights.
- The student is able to associate practical examples of human rights violations to normative premise or international legal documents in the field of human rights.

• študent zna povezati aktualna družbena vprašanja s področja človekovih pravic na delovanje javne uprave, • študent zna prebrati srednje zahtevno strokovno besedilo in sestaviti pisni povzetek, • študent zna razlikovati med naravo pravnega varstva človekovih pravic EU, Sveta Evrope (Strasbourg) in OZN.	• The student is able to understand the public administration in light of current social issues and human rights violations. • The student is able to read moderately demanding professional articles and draw up a written summary. • The student is able to distinguish between the nature of the legal protection of human rights in the EU, Council of Europe (Strasbourg) and UNO.
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Metode poučevanja in učenja:	Learning and teaching methods:
1. predavanje, 2. priprava na seminar, 3. seminar-ustno, 4. seminarska naloga.	1. Lecture 2. Preparations for seminars 3. Seminars-oral 4. Seminar paper

Načini ocenjevanja:	Delež/Weight	Assessment:
1. Seminarska naloga	40,00 %	1. Term paper
2. Pisni ali ustni izpit	60,00 %	2. Written or oral exam

Ocenjevalna lestvica:	Grading system:
5 - 10, pri čemer velja, da je pozitivna ocena od 6 - 10	5 - 10, a student passes the exam if he is graded from 6 to 10

Reference nosilca/Lecturer's references:
1. Book chapter published by Routledge/CRC Press in the Routledge Handbook on Private Law and Sustainability, 2024. 2. Trstenjak, V. (2012). The Legal System of the EU: The Principle of Primacy in EU Law and the Role of the Constitutional Courts of the Member States. V: <i>International Justice Journal Moscon, Medzunarodne Pravosudie</i>, (2), 54-65. 3. Trstenjak, V. (2013). National Sovereignty and the Principle of Primacy in EU Law and their importance for the Member States, <i>Beijing Law Review</i>, 4 (2), 71-76. 4. Trstenjak, V. (2015). The Welfare State in Times of Crisis: Threat to the Rule of Law? v <i>Iliopoulos-Strangas</i> (ed.) <i>The future of the Constitutional Welfare State in Europe</i>, 299-306. 5. Trstenjak, V. (2020). Human Rights in the Digital Era: From Digital Practice to Digital Law and Case Law, chapter. V Miller, K. in Wendt, K., <i>Fourth Industrial Revolution</i>. 6. Trstenjak, V. (2021). Fundamental rights in Europe, (Temeljne pravice v EU) GV založba, 316 strani. 7. Trstenjak, V. (2023). Limitations of Fundamental Rights in EU Law: Are Human Rights Absolute? <i>European Review</i>, Cambridge University Press, 1-13. 8. Trstenjak, V. (2024). Sustainability and the Impact of the Court of Justice of the EU. 9. Trstenjak, V. in Beysen, E. (2012). Das Prinzip der Verhältnismäßigkeit in der Unionsrechtsordnung. V: <i>Europarecht</i>, 47 (3), 265–284. 10. Trstenjak, V. in Beysen, E. (2013). The Growing Overlap of Fundamental Freedoms and Fundamental Rights in the Case-law of the CJEU, <i>European Law Review</i> 38, 293-315. 11. Trstenjak, V. in Weingerl, P. (2016). <i>The Influence of Human Rights and Basic Rights in Private Law</i>, Springer, 593. str.