

# A MULTICULTURAL EUROPE

Curso 2016/2017

(Código: 26602529)

## 1. PRESENTACIÓN

Since the EU project started, has undergone a period of unprecedented political and social changes. Even though the majority of the population is Christian, Europe is no longer a religiously homogeneous society. The arrival of migrants from different countries, has increased fourfold since last century. This is a fact that must be taken into account by public authorities. Human dignity, freedom, democracy, equality, the rule of law and respect for human rights are the values on which the European Union is founded. Embedded in the Treaty on European Union, they have been reinforced by the Charter of Fundamental Rights. The EU supports efforts to combat racism, xenophobia and other types of discrimination based on religion, gender, age, disability or sexual orientation. Even though national constitutionalism differs from country to country, EU members must recognize human rights, the way different countries will deal with "multicultural problems" regarding UE law will be the aim of this course.

## 2. CONTEXTUALIZACIÓN

The social and political evolution brought about by globalization and immigration (from countries outside Europe and between European countries) has produced a socio-cultural picture that differs greatly from the one reflecting European reality merely forty years ago. Ethnic, religious and cultural differences have created problems of coexistence and marginalization. Faced with these situations, public authorities must take the necessary measures to mitigate the effects of inequality and discrimination.

The main goals pursued by public authorities in this regard are doubtless the integration of different communities and the acknowledgement and protection of fundamental rights. Familiarity with the EU Member States policies related to these issues, followed by the analysis of the different policy systems, including that of the EU itself, are crucial to having a proper understanding of the legal map within the EU. One of the most important challenges the EU is currently facing is integrating the different communities that make up a plural, multi-faceted European cultural reality. Theoretical knowledge and practical analysis of the above-mentioned systems of public policy are intended to aid students to approach European facts more accurately.

## 3. REQUISITOS PREVIOS RECOMENDABLES

It is assumed that the natural background of the students will be a Law Degree, a Political Science Degree or, more generally, a Degree in a Social Science-related area. Other Graduates are by no means excluded. Students holding a History Degree or a Degree in Journalism are a special target of this course. At any rate, any graduate truly interested in EU Human Rights issues will fit into the course.

Previous knowledge of EU Law and Human Rights sources along with familiarity with European jurisprudence (ECHR) is an excellent starting point for the student to make the most of this course.

## 4. RESULTADOS DE APRENDIZAJE

Knowledge: Students are expected to acquire extensive and advanced knowledge of the EU Human Rights. Students will be able to discuss law in cultural, historic, and/or religious characteristics. Students will be able to apply case-law knowledge. Students will be able to discuss stages and statuses of ethnic and religious Identity. Students will be able to apply religion identity development theories in order to protect freedom of thought, conscience and religion. Learning will be based on the materials referred to or provided by the teaching staff. If required, academic guidance will be available on-line. In this

regard, the teaching staff is committed to providing guidance that is tailored to the specific needs of individual students.

**Skills:** Students are expected to develop their ability to find their way through the complex EU Human Rights framework. One of the crucial skills to be honed by students is the selection, usage and management of documentary sources, jurisprudence and doctrinal materials.

**Attitudes:** A good disposition towards autonomous work is essential to maximize the results of the course. This combination of knowledge, skills and attitudes will prepare students for the task of understanding the protection of Freedom of conscience, thought and religion in a multicultural Europe.

## 5. CONTENIDOS DE LA ASIGNATURA

1. The European Union, A political and cultural fact.
  - 1.1. The European Union: history of a multicultural society. Minorities.
  - 1.2. The 20 th Century, migrations: Immigration and diversity.
2. The European Union: a multicultural society.
  - 2.1. The legislation.
  - 2.2. Case Law
3. Diversity within the Member States.
  - 3.1. A study of the different realities.
  - 3.2. Public policies in Diversity.
4. Freedom of thought, conscience and religion, its influence in the EU and Member States public policies.
  - 4.1. Freedom of thought, conscience and religion in the EU.
  - 4.2. Freedom of thought, conscience and religion in the Member States of the EU.
  - 4.3. Minorities towards the Freedom of thought, conscience and religion.

## 6. EQUIPO DOCENTE

- [M JOSE CIAURRIZ LABIANO](#)
- [ALMUDENA RODRIGUEZ MOYA](#)
- [JOSE DANIEL PELAYO OLMEDO](#)

## 7. METODOLOGÍA

Teaching and learning are to take place through well-tested methods of distance education as understood in open universities. Learning materials will be referred or provided by the teaching staff through on-line channels. Acquisition of knowledge will take place through: 1) Reading the basic learning materials; 2) Research, guided by the teaching staff through on-line tutorials and 3) Use of information in situations and cases presented by the teaching staff.

## 8.BIBLIOGRAFÍA BÁSICA

Comentarios y anexos:

In order to have updated the basic bibliography, it will be given at the beginning of the academic year.

## 9.BIBLIOGRAFÍA COMPLEMENTARIA

Comentarios y anexos:

European Threat to Religious Freedom: A Response to the European Union's Proposed Employment Directive, The Christian Institute, June 2000.

Ciáurriz Labiano, M.J., *Tratamientos del fundamentalismo islámico por parte del Consejo de Europa*, en *Violencia e islam: la violencia en y contra el islam en el derecho internacional* / coord. por Agustín Motilla de la Calle, 2010, págs. 131-162

Ciáurriz Labiano, M.J., *Laicidad y ley sobre los símbolos religiosos en Francia*, en *El pañuelo islámico en Europa* / coord. por Agustín Motilla de la Calle, 2009, págs. 91-139.

Crowe, R., *The Treaty of Lisbon: A Revised Legal Framework for the Organisation and Functioning of the European Union*, en *ERA Forum* (2008) 9, págs.163–208.

Gerhards, J., *Cultural Overstretch?: Differences Between Old and New Member States of the EU and Turkey* (Routledge/ESA Studies in European Societies), New York, 2007.

Glendenning, D., *Religion, Education and the Law: A Comparative Approach*, Tottel publishing, 2008.

Hunter-Henin, M., *Law, Religious Freedoms and Education in Europe*, London 2012.

Parekh, B., *Rethinking Multiculturalism: Cultural Diversity and Political Theory*, 2005.

Rodríguez Moya, A., *High courts reign supreme: The role of case law in the spanish transition towards a secular (Non-denominational) state*, en *Revista de derecho político*, N° 78, 2010, págs. 187-216.

Rodríguez Moya, A., *Libertad religiosa y enseñanza de la religión: especial atención al caso islámico*, en *Revista General de Derecho Canónico y Derecho Eclesiástico del Estado*, N°. 20, 2009.

## 10.RECURSOS DE APOYO AL ESTUDIO

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On-line course: The course will be conducted on-line. On-line tutorials will be the basic form of interaction between students and the teaching staff. Access to learning materials, submission of essays and other documents, and communication between course actors will take place through the specific on-line channel designed and maintained for the course.

## 11.TUTORIZACIÓN Y SEGUIMIENTO

Although communication between students and the teaching staff will take place preferably on-line, an extra resource for tutorials and guidance will be provided by the traditional system of academic service practiced by UNED. In this regard, Professor María José Ciáurriz Labiano [mjciaurriz@der.uned.es](mailto:mjciaurriz@der.uned.es) and Dr. Almudena Rodríguez Moya [arodriz@der.uned.es](mailto:arodriz@der.uned.es) will be on duty on Wednesdays from 10 a.m. to 14 p.m

## 12.EVALUACIÓN DE LOS APRENDIZAJES

Assessment of the work done and submitted by students will take place on-line, through a system of continuous assessment. The final grade will be determined by the mark obtained in the second task. The first task is intended to give students an opportunity for self-assessment and will not influence the global numerical result.

## 13.COLABORADORES DOCENTES

Véase equipo docente.