

INTERNATIONAL AND EUROPEAN SOCIAL SECURITY LAW

UČNI NAČRT PREDMETA/COURSE SYLLABUS

Predmet:	International and European Social Security Law
Course title:	International and European Social Security Law
Članica nosilka/UL Member:	UL PF

Študijski programi in stopnja	Študijska smer	Letnik	Semestri	Izbirnost
Pravo, prva stopnja, univerzitetni	Ni členitve (študijski program)	4. letnik	1. semester	izbirni

Univerzitetna koda predmeta/University course code:	0070429
Koda učne enote na članici/UL Member course code:	IESSL

Predavanja /Lectures	Seminar /Seminar	Vaje /Tutorials	Klinične vaje /Clinical tutorials	Druge oblike študija /Other forms of study	Samostojno delo /Individual student work	ECTS
10	20	10	0	80	60	6

Nosilec predmeta/Lecturer:	Grega Strban
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Vrsta predmeta/Course type:	Posebni program študijskih izmenjav/Special elective course for Erasmus students
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Jeziki/Languages:	Predavanja/Lectures:	Angleščina
	Vaje/Tutorial:	

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:	Prerequisites:
Študent na študijski izmenjavi na Univerzi v Ljubljani.	Exchange student of the University of Ljubljana

Vsebina:	Content (Syllabus outline):
I. Temelji prava socialne varnosti 1. Opredelitev prava socialne varnosti 2. Temeljni koncepti in pojmi 3. Zgodovinski razvoj sistemov socialne varnosti 4. Pravni viri 4.1. Mednarodni 4.2. Evropski 4.3. Nacionalni II. Primerjava sistemov socialne varnosti 1. Oblike upravljanja in financiranja sistemov socialne varnosti 2. Različne oblike javnih pokojninskih shem 3. Različne možnosti zagotavljanja zdravstvenih storitev 4. Starševsko varstvo in družinski prejemki	I. Basic concepts of Social Security Law 1. Definition of social security law 2. Basic concepts and basic notions 3. Historic development of social security systems 4. Legal sources 4.1. International 4.2. European 4.3. National II. Comparison of social security systems 1. Forms of administering and financing social security schemes 2. Distinctions in public pensions scheme 2. Various possibilities for providing healthcare 3. Unemployment benefits schemes and EUBS 4. Parental care and family benefits

5. Socialno varstvo (socialna pomoč) 6. Dolgotrajna oskrba III. Možno razvrščanje 1. Koordinacija (povezovanje) in harmonizacija (poenotenje) sistemov socialne varnosti 2. Dvostranski in večstranski sporazumi o socialni varnosti 3. Univerzalne in regionalne mednarodne pogodbe 4. Mednarodno in nadsionalno pravo IV. Pravica do socialne varnosti v pravnih aktih OZN 1. Splošna deklaracija človekovih pravic 2. Mednarodna pakta 3. Postopek nadzora V. Pomen norm MOD 1. Konvencije o minimalnih standardih socialne varnosti 2. Konvencije, ki povezujejo sisteme socialne varnosti 3. Pomen priporočil 4. Postopek nadzora VI. Vpliv Sveta Evrope 1. Evropska konvencija o človekovih pravicah in pravo socialne varnosti 2. Evropski socialni listini 3. Evropska kodeksa socialne varnosti 4. Pravni akti, ki povezujejo sisteme socialne varnosti 5. Postopek nadzora VII. Pravo socialne varnosti EU 1. PEU in PDEU 2. Socialna politika in harmonizacija 2.1. Odprta metoda koordinacije 2.2. Enako obravnavanje žensk in moških 3. Svoboda gibanja in koordinacija 3.1. Temeljna načela 3.2. Določbe za posamezna socialna tveganja 4. Čezmejne zdravstvene storitve 4.1. Odločitve SEU 4.2. Direktiva 2011/24/EU	5. Social assistance 6. Long-term care III. Classifications 1. Coordination v. harmonisation of social security 2. Bilateral and multilateral social security agreements 3. Universal and regional treaties 4. International and supranational social security law IV. The right to social security in UN legal documents 1. Universal Declaration of Human Rights 2. International covenants 3. Supervisory procedure V. Importance of the ILO norms 1. Social security minimum standards conventions 2. Conventions coordinating social security systems 3. Influence of the recommendations 4. Supervisory procedure VI. Influence of the Council of Europe 1. European Convention of Human Rights and social security 2. European Social Charter(s) 3. European Code(s) of Social Security 4. Legal acts coordinating social security systems 5. Supervisory procedure VII. EU social security law 1. TEU and TFEU 2. Social policy and harmonisation 2.1. Open method of coordination 2.2. Equal treatment of women and men 3. Free movement and coordination 3.1. Basic principles 3.2. Provisions for specific social risks 4. Cross-border healthcare 4.1. Decisions of the CJEU 4.2. Directive 2011/24/EU
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Temeljna literatura in viri/Readings:

Bubnov-Škoberne, Anjuta: The Right to Social Security in Slovenia, in Van Langendonck, J. (Ed.), The Right to Social Security, Intersentia, Antwerpen, 2007, pp. 347-355.

von Maydell, Bernd Baron: Human Rights and Social Security, Buenos Aires, 1998.

Schoukens, Paul: Introduction to social security co-ordination in the EU. In: RUESS, Courses Master Programme Social Security in Europe, Leuven, 2010.

Strban, Grega: The existing bi-and multilateral social security instruments binding EU States and non-EU States. In: Pieters, Danny, Schoukens, Paul (Eds.), The Social Security Co-Ordination Between the EU and Non-EU Countries, Intersentia, Antwerpen, Oxford (Social Europe Series, vol. 20) 2009, p. 85-113.

Strban, Grega: Patient mobility in the European Union: between social security coordination and free movement of services, ERA Forum, Journal of the Academy of European Law, Springer, Vol. 14, 2013, Nr. 3, pp. 391-407.

Strban, Grega, Social security of EU migrants – an interplay between the Union and national laws, Central and Eastern European Countries after and before the accession, Volume 2, Faculty of Law, ELTE, Department of

Private International Law and European Economic Law, Jean Monnet Centre of Excellence, Budapest, 2011, p. 81-101.

Strban, Grega: Social security coordination for non-EU countries in South and Eastern Europe: a legal analysis, International Labour Organization, ILO, Budapest 2012.

Cilji in kompetence:

Predmet ponuja tujim študentom nekaj osnovnih informacij o dejavnostih mednarodnih organizacij in EU na področju prava socialne varnosti, predstavi pa tudi zakonsko ureditev socialne varnosti v izbranih državah.

Objectives and competences:

The course gives foreign students some basic information on activities of the international organizations and the EU in the field of social security law, as well as the legal regulation of social security in distinctive countries.

Predvideni študijski rezultati:

Študent bo pridobil vpogled v pravo socialne varnosti različnih držav in vpliv mednarodnega in evropskega prava socialne varnosti na njihovo oblikovanje.

Intended learning outcomes:

A student will gain an insight in the social security law of the country to which she/he came, and learn about the influence of international and European law in shaping them.

Metode poučevanja in učenja:

Predavanja, seminarji, konzultacije in razprave, vodeno individualno delo.

Learning and teaching methods:

Lectures, seminary work, consultations and discussions, guided individual work.

Načini ocenjevanja:

Predstavitev seminarske naloge. Ustni izpit ob koncu študijskih aktivnosti.

Delež/Weight**Assessment:**

Presentation of a seminar paper. Oral examination after the end of the course.

Ocenjevalna lestvica:**Grading system:****Reference nosilca/Lecturer's references:**

Strban, Grega: The existing bi-and multilateral social security instruments binding EU States and non-EU States. In: Pieters, Danny, Schoukens, Paul (Eds.), The Social Security Co-Ordination Between the EU and Non-EU Countries, Intersentia, Antwerpen, Oxford (Social Europe Series, vol. 20) 2009, p. 85-113.

Strban, Grega: Patient mobility in the European Union: between social security coordination and free movement of services, ERA Forum, Journal of the Academy of European Law, Springer, Vol. 14, 2013, Nr. 3, pp. 391-407.

Strban, Grega: Lastninsko varstvo socialnih pravic, Podjetje in delo, letn. 41, 2015, št. 6-7, str. 1251-1266.

Strban, Grega: Vpliv nadzornih institucij na uresničevanje pravice do socialne varnosti – imamo v Sloveniji (ne)ustrezne dajatve?, Delavci in delodajalci, letn. XV, 2015, št. 4, str. 477-499.