

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet: Mednarodno in evropsko pravo socialne varnosti
Course title: International and European Social Security Law

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Prvostopenjski univerzitetni študijski program Pravo	Pravo		
First-cycle University Study Programme in Law	Law		

Vrsta predmeta / Course type

Izbirni (posebni program študijskih izmenjav) / Elective (Special elective course for Erasmus students)

Univerzitetna koda predmeta / University course code:

Predavanja Lectures	Seminar Seminar	Vaje Tutorial	Klinične vaje work	Druge oblike študija	Samost. delo Individ. work	ECTS
10	20	10		80	60	6

Nosilec predmeta / Lecturer:

Prof. dr. Grega Strban

**Jeziki /
Languages:**

**Predavanja /
Lectures:** Angleščina / English
Vaje / Tutorial:

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

Študent na študijski izmenjavi na Univerzi v Ljubljani.

Prerequisites:

Exchange student of the University of Ljubljana

Vsebina:

Content (Syllabus outline):

I. Temeljni 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
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 nadnacionalno 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

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. 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. 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

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

Temeljni 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:

Znanje in razumevanje:

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

Intended learning outcomes:

Knowledge and understanding:

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:

Način (pisni izpit, ustno izpraševanje, naloge, projekt)

Predstavitev seminarske naloge. Ustni izpit ob koncu študijskih aktivnosti. Ocene so od 1-10, pri čemer so 6-10 pozitivne ocene, od 1-5 pa negativne, v skladu s pravili Univerze v Ljubljani

Delež (v %) /

Weight (in %) /

Assessment:

Type (examination, oral, coursework, project):

Presentation of a seminar paper. Oral examination after the end of the course. The grades are from 1 to 10, i.e. 6-10 passed, 1-5 insufficient, according to the rules of the University of Ljubljana.

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 inštitucij na uresničevanje pravice do socialne varnosti – imamo v Sloveniji (ne)ustrezne dajatve?, *Delavci in delodajalci*, letn. XV, 2015, št. 4, str. 477-499.