

Academic Programme

2nd Semester 2023



COURSE

Justiciability of Social Security



Start date:
September 6th



Limited availability

Programme description

The origin of the Social State of Law entails the study and analysis of the international legal system related to the current legal aspects of social security, which is the pillar of justice in today's world. "There will be no social justice without social security" (Diaz Limon, Jose. "La seguridad social, un enfoque histórico.") [Social Security: historical approach].

The development of social security has recognized two phenomena. On the one hand, there has been a considerable progress in social assistance. On the other, there is an approach on health care and livelihood protection, such as pensions.

The new Latin American social constitutionalism supports the right to social security through jurisdictional mechanisms and the application of constitutional

standards by the Supreme Courts. For instance, the human rights reform of mid-2011 in Mexico or Ruling T-561, 1992

of the Constitutional Court of Colombia fall into this category. To this effect, social security is a basic human and social right that is in charge of the State, for its legal fulfilment.

This is a reflection of the international trend, mainly in Latin American, where it is evident that the fundamental social security right is not necessarily guaranteed by secondary laws nor recognized by the Supreme Courts.

In this context, the analysis and debate on the justiciability play a major role to guarantee the right to social security, in relation to the actions, mechanisms and procedures that allow its full enjoyment

General data

COURSE MODALITY	Online
COURSE CLASSIFICATION	Basic
ADRESSED TO	<ul style="list-style-type: none">• Legal staff of institutions related to social security.• Legislators and related officials.• Representatives and members of trade unions and employers organizations.• Professors, researchers, and other officials involved and interested in promoting the right to social security.• Specialists in human rights.
SCOPE	Provide participants with a detailed understanding of the challenges for the justiciability and guarantee of the right to social security from a legal framework.
GENERAL OBJECTIVE	Analyse, from an equity perspective, the actions, mechanisms and procedures for justiciability and guarantee of the right to social security in the Americas.
SPECIFIC OBJECTIVES	<ol style="list-style-type: none">1. Study the international law based on the right to social security in the Americas.2. Analyse the rights, duties, freedoms and guarantees.3. Describe the characteristics of the new Latin American social constitutionalism as for justiciability and guarantee for social security as fundamental right.4. Analyse the main actions, mechanisms and procedures of justiciability in the Americas.

START AND COMPLETION DATE	September 6 th – 29 th , 2023
DEADLINE FOR REGISTRATION	September 1 st , 2023
TOTAL LENGTH OF THE ACTIVITY	40 hours
PROGRAMME COST	400 USD (340 USD enrolment / 60 USD technology resource)
QUOTA	Minimum 20 students
HOST COUNTRY	Mexico
VENUE	Inter-American Center of Social Security Studies (CIESS)
LANGUAGE	Spanish with English simultaneous interpretation
TECHNOLOGICAL REQUIREMENTS	<ul style="list-style-type: none">• Computer• Internet connection: broadband• Browser: Chrome, Firefox or Safari with updated versions• Access to Zoom platform• Speakers and microphone• Web camera (if desirable)

**TECHNOLOGY
SKILLS**
(PREFERABLY)

- Use online communication tools such as email, discussion forums, chats, etc.
- Use of video call programmes and virtual meetings.
- Microsoft Word management.
- Use of webcam and microphone.
- Use of web browsers.
- File and folder management.
- Use of search engines and library data bases.

**COURSE
DYNAMICS**

The course comprises four modules. In each module, theoretical classes will be developed in a synchronous virtual mode, and individual and/or group assessment activities with practical exercises will be provided.

Requirements for enrolment and permanence

**REQUIREMENTS
FOR ENROLMENT**

If desirable (but not limited to) students may meet the following requirements:

- Higher education studies
- Legal expertise

**REQUIREMENTS
FOR PERMANENCE**

- At least 80% of attendance.
- Comply with the all-course activities.
- Exercises or complementary activities should be uploaded to the CIESS virtual platform.

Thematic Modules

1

International law based on the right to social security in the Americas

Lecturer: Dr. Jaime Gañan

Dates: September 6th and 8th, 2023.
(10:00 am to 1:00 pm, Mexico City Time).

OBJECTIVE:

Study the emergence of Social Security through an international and historical analysis of the concepts and legal standards, in order to recognize it as a human right.

CONTENT:

1. Historical background of Social Security.
2. Conceptual framework of Social Security.
3. International instruments and bodies for human rights protection and social security.
4. International principles and standards for the right to social security.

2

Rights, duties, liberties and guarantees derived from the right to Social Security in the Americas

Lecturer: Dr. Angel Guillermo

Dates: September 12th and 14th, 2023.
(10:00 am to 1:00 pm, Mexico City Time).

OBJECTIVE:

Learn about the rights and duties constituting in the international legislation that allow to identify the extend of social security and the benefits for legal subjects.

CONTENT:

1. Beneficiaries of social security.
2. Duties and responsibilities of States and other parties when it comes to social security.
3. Liberties and guarantees in social security.
4. Security and effective and equal protection on social security.

3

Characteristics of new societal constitutionalism in Latin America with regards to the justiciability and the guarantee of the basic right to social security

Lecturer: Dr. Zelia Pierdona

Dates: September 20th and 22nd, 2023.
(10:00 am to 1:00 pm, Mexico City Time).

OBJECTIVE:

Recognise the effects of the new constitutionalism and the entitlement to benefits on social security in Latin America, by analysing each country of the students.

CONTENT:

1. Connection/relationship between economic, social, and cultural rights on social security.
2. Justiciability on social security rights.
3. Analysis on the participation of those involved and the social dialogue to guarantee the right to social security.

4

Main actions, mechanisms and procedures for justiciability of the right to social security in the Americas

Lecturer: Dr. Gabriela Mendizabal.

Dates: September 27th and 29th, 2023.
(10:00 am to 1:00 pm, Mexico City Time).

OBJECTIVE:

Provide students with knowledge on the legal, mechanisms and procedures promoting and guaranteeing justiciability

CONTENT:

1. Importance of justiciability to guarantee the protection of social rights.
2. Actions and judicial resources on social security.
3. Regional and international mechanisms for the protection of social security rights.
4. Procedures and requirements to access justice in social security.
5. Strategies to promote the justiciability.

Assessment and accreditation requirements

EXPECTED OUTCOME

At the end of the course, the students will obtain theoretical knowledge and analytical skills to apply the legal framework in specific situations related to justice and equity in social security.

REQUIREMENTS FOR ACCREDITATION

- Attendance of 80 % (grade 20%)
- Multiple choice questionnaire (grade 50%)
- Participation in synchronous sessions and activities on the CIESS virtual platform (grade 30%).

Lecturers' resume



Jaime Leon

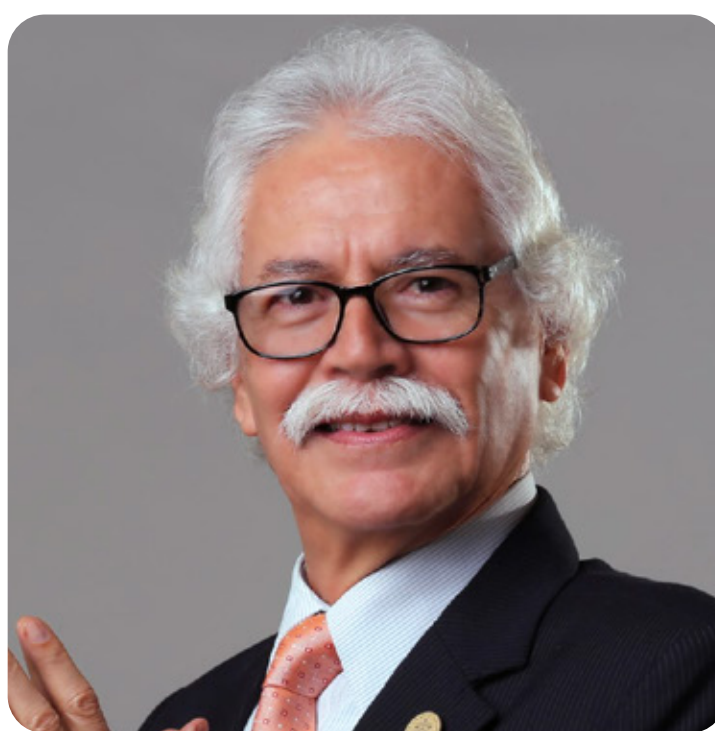
He is a lawyer from the University of Antioquia. Specialist in labour law and social security from the Universidad Pontificia Bolivariana. Holds a PhD in Law from the Universidad Externado de Colombia with a Post-doctorate in Labour Law within the context of human rights from the Universidad Nacional From Cordoba. He has diplomas in public management, teaching and the creation of technology-based companies.

Professor, researcher, columnist, specialized international advisor and thesis jury; advisor and consultant to public and private entities on labour law and social security.

At the University of Antioquia, he has worked as representative of the Faculty of Law and Political Sciences in the Observatory of the Fundamental Right to Health of the Ombudsman of Medellín in the National

Monitoring Commission of the ST-760, 2008, before the Structural Reform of the Health and Social Security System-CSR of the Constitutional Court and in the Health Board of Eastern Antioquia. In the same study center, he was member of the Central Committee of Ethics in Research, Coordinator of the Open Chair in Social Security and Health, and of institutional relations and international mobility at the Faculty of Law and Political Sciences.

He has also been Associate Judge of the Labor Chamber of the Superior Tribunal Court of Medellín and of the Administrative Court of Antioquia. Trial Attorney in labour law, social security and administrative law. General Conciliator in labor law of the Ministry of Social Protection of Colombia and Academic Peer of the Ministry of National Education in Colombia



Angel Guillermo

Angel Guillermo is lawyer and professor in labour law and social security from the University of Guadalajara (UdG) and Doctor *Cum Laude* in labour law and social security from the CEU San Pablo University, in Madrid.

Tenured professor and researcher at the UdG. Coordinator of the PhD programme in research law at the same university. Postgraduate professor at different Latin American universities. Chief guest researcher and lecturer at the Max-Planck Institute for Social and International Law, based in Munich. Member of multiple international academic associations and the Editorial Board of specialized legal journals.

Former Coordinator of the PhD programme in research law at the UDG; Director of the Division of Social and Human Sciences, and Head of the Department of Legal Sciences of the Tonalá University Center. He worked as Chairman of the International Board of Directors of the Ibero-American Association

of Labour Law and Social Security Jurists “Dr. Guillermo Cabanellas”. Former national and honorary president of the Mexican Academy of Labour Law and Social Security; and Executive president of the organizing committees of the First World Congress for Labour and Social Security Law.

He was appointed “Emeritus Master” in UdG. Received the “National Award for Legal Research” for the “Antonio Gomez Robledo” legal award as Researcher of the Year. The “Guillermo Cabanellas” medal in Puerto Rico and the “Venera Guillermo Hori Robaina” of the Mexican Academy of Labour Law and Social Welfare, among other awards.

Author or co-author of sixty-three law books, fifteen of them specialized in labour and social security. In addition, he has published more than a hundred of legal articles that have been translated into different languages.



Zelia Luiza Pierdona

She holds a PhD in State Law and Master's Degree in Social Relations Law from the Pontifical Catholic University of São Paulo with a Postdoctoral internship at the Complutense University of Madrid. Her career has focused on social rights, especially on social security.

She is a professor at the School of Law and the Graduate Programme in Political and Economic Law at Mackenzie Presbyterian University. Guest professor at the School of Law of the University of São Paulo, and a regular visitor at the University of Salamanca. She coordinates research work of the group "El Sistema de Seguridad Social" (The Social Security System) and the PIBIC and the PIVIC Mackenzie/Macksear.

She performs linkage activities between higher education institutions such as the CIESA University Center and the universities of Salamanca, the Autonomous University of the State of Morelos, the Pontifical Catholic University of Rio Grande do Sul, the

Complutense University of Madrid, the Catholic Pontifical University of São Paulo, Anhanguera, and the Mackenzie Presbyterian University, among others.

Member of the Social Security and Assistance Working Group of the First Chamber of Coordination and Review of the Federal Public Ministry. She carries out technical-scientific activities in the Regional Attorney's Office of the Republic.

Former chief member for social security and social assistance issues of the First Chamber of Coordination and Review of the Federal Public Ministry and of the Federal Attorney for Citizen's Rights. Regional lawyer for the republic in São Paulo and Mato Grosso do Sul, and advises on specialized technical services of the "Social Security and Social Assistance Work Group" of the Federal Citizen's Rights Attorney's Office of the Federal Public Ministry and the Regional Prosecutors Office of the Republic.



Gabriela Mendizabal

She holds a Law degree from the National Autonomous University of Mexico and a PhD in Law from the University of Vienna with a Postgraduate degree in Globalization and Social State from the University of Castilla La Mancha.

Current Director of higher education at the Autonomous University of the State of Morelos (UAEM). Official Mexican Editor for the Max-Planck Institute of Social Law and Social Policy in Munich. Professor, researcher and international lecturer.

She was the first full-time professor and researcher at the Faculty of Law and Social Sciences of the UAEM, where she served as Acting Director of the Faculty of Law and Social Sciences. She was in charge of the processes for the study plan evaluation of the Law Degree for the Inter-institutional Committees of CIESS Evaluation of Higher Education, the evaluation of the Master's


Degree in Law and its inclusion in the Quality Postgraduate Programme of the National Council of Science and Technology; and the preparation process of the syllabus for the PhD programme in Law and Globalization.

Special emphasis is also placed on her research on the visibility of social and legal discrimination in the access to social security as a human right of different social groups (women, homosexuals/LGBTIQA+, older persons, informal workers, migrants, among others). In addition, she has prepared teaching and comparative law studies.

Author of 10 books, highlighting as follows: "El Derecho Internacional de la Seguridad Social", "La Seguridad Social en México", "La Protección Social de los Trabajadores Migrantes Mexicanos" y "El Acoso Laboral y la Seguridad Social". She has coordinated 18 collective books and published more than 70 specialized articles.



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