



Academic Year 2026-2027

Syllabus

Fundamental Rights

CFU 6

Prof. Andrea Buratti

Course Description

This course explores the historical, theoretical, and comparative foundations of fundamental rights in national and supranational contexts. It examines definitions of rights between universalism and relativism, their legal recognition and protection mechanisms, and the most debated substantive challenges of our time. A focus is given to constitutional, supreme, and international courts, as well as non-judicial mechanisms of governance and protection.

Learning Objectives

Upon successful completion, students will be able to:

- Demonstrate knowledge of the historical, cultural, and legal frameworks of fundamental rights.
- Critically analyse relevant case law from national, regional, and international courts.
- Apply comparative and historical methods to contemporary rights-based debates.
- Communicate legal arguments effectively using appropriate academic and legal English.
- Develop independent judgement in evaluating conflicts of rights and balancing solutions.

Teaching Method

The course emphasizes a case-law based approach. Students are required to complete compulsory readings before each session and actively engage in class discussions, presentations, and debates.

Schedule of Topics

Section 1	Theoretical issues in fundamental rights discourse. Universalism and particularism in the concept of fundamental rights: Human dignity under discussion.
Section 2	Patterns of balancing fundamental rights. Comparing the European and the American constitutional traditions. Selected cases.
Section 3	Fundamental rights in the digital ecosystem. Comparing free speech in the web.
Section 4	International protection of fundamental rights: from the UN Declaration to International Criminal Justice.
Section 5	The regional or quasi «supranational» scenario: (i) European Convention on Human Rights (ECHR) & ECtHR (ii) Inter-American system (IACHR & Court) (iii) African Charter on Human and Peoples' Rights (Banjul Charter)

Prior knowledge

Students must own a basic knowledge of constitutional law and public international law. See the volume: Buratti, *Western Constitutionalism*, Springer-Giappichelli, 3rd ed., 2024.

Assessment

Assessment methodology depends on whether the student is an “attending student” or a “non-attending student”.

An “attending student” is a student who (i) is present at least to 80% of classes, **and** (ii) complies with all of the assignments (prior readings, preparation of classes, essays, etc.) required by the teacher throughout the classes.

For Attending students:

Written final exam on class topics and materials

For Non-Attending students:

Oral final exam based on the compulsory readings (see detailed list)

LIST OF COMPULSORY READING MATERIALS FOR THE ORAL EXAM OF NON-ATTENDING STUDENTS

1. McCrudden, *Human Dignity and Judicial Interpretation of Human Rights*, in European Journal of International Law, 2008 (available at: <http://ejil.org/pdfs/19/4/1658.pdf>)
2. Buratti, *The Place of History in Fundamental Rights Adjudication*, Tor Vergata Univ. Press, 2026, Part 1 and 2. online open-access
3. Pustorino, *Introduction to International Human Rights Law*, Springer, 2023

Erasmus and international students

Erasmus and international students are welcome. They must contact the secretary of the Global Governance program in order to register to the course. Please take note of the prior knowledge required for the participation to the course.

Office hours

Prof. Buratti receives students on appointment: burattiandrea@hotmail.com in the School of Law (Building D, via Cracovia 50).

NOTE: If you are an Erasmus or a non Global Governance student who would like to attend one or more courses in the Global Governance programme, please be aware that, before enrolling in the course, you should have read the code of conduct and the procedural rules characterizing our programme. We assume that, if you enroll in the course, you have read and accepted all Global Governance values and rules. Notice that attendance is expected from the very first lesson and you need to attend at least 75% of the course to be considered an attending student.

Description of the methods and criteria for testing learning

The examination assesses the student's overall preparation, ability to integrate the knowledge of the different parts of the programme, consequentiality of reasoning, analytical ability and autonomy of judgement. In addition, language property and clarity of presentation are assessed, in accordance with the

Dublin descriptors (1. knowledge and understanding; 2. applying knowledge and understanding; 3. making judgements; 4. learning skills; 5. communication skills).

The examination will be graded according to the following criteria:

Unsuitable: important deficiencies and/or inaccuracies in the knowledge and understanding of the topics; limited capacity for analysis and synthesis, frequent generalisations and limited critical and judgement skills; the topics are exposed in an incoherent manner and with inappropriate language.

18-20: barely sufficient knowledge and understanding of the topics, with possible generalisations and imperfections; sufficient capacity for analysis, synthesis and autonomy of judgement; the topics are frequently exposed in an inconsistent manner and with inappropriate/technical language;

21-23: surface knowledge and understanding of the topics; ability to analyse and synthesise correctly with sufficiently coherent logical argumentation and appropriate/technical language.

24-26: fair knowledge and understanding of the topics; good analytical and synthetic skills with rigorously expressed arguments but not always appropriate/technical language.

27-29: complete knowledge and understanding of the topics; considerable capacity for analysis and synthesis. Good autonomy of judgement. Arguments presented in a rigorous manner and with appropriate/technical language.

30-30L: very good level of knowledge and thorough understanding of topics. Excellent analytical and synthetic skills and independent judgement. Arguments expressed in an original manner and in appropriate technical language.
