



Academic Year 2020-2021

Syllabus

Fundamental Rights

CFU 6

Prof. Andrea Buratti

Course Description

The course deals with (i) the historical and theoretical foundations of fundamental rights in the national and supranational arena, (ii) their legal structures, and (iii) the main contemporary challenges in a comparative law approach.

Due to the increasing relevance of the judiciary branch in the adjudication of fundamental rights, the course will focus on the Courts (constitutional, supreme, supranational), and their role in the protection of fundamental rights, both in national as well as in supranational scenario. Then, substantive issues related to the protection to fundamental rights in contemporary years will be analyzed.

Learning Objectives

The course is aimed at developing students' skills in: (i) understanding and contextualizing fundamental rights-based issues, taking into account the historical framework, culture and geopolitical conditions, the legal system and the different values and interests at stake; (ii) understanding the relevant case-law by different international and national supreme Courts; (iii) analyzing and presenting human rights related issues with proficiency in the legal lexicon and through a historical and comparative method.

Teaching Method

The study and analysis of fundamental rights-base case-law will be the main teaching method. This method will require students to prepare the classes well in advance, through the compulsory reading of the materials pointed out by the professors. The students will interact with the professor and among themselves through presentations and questions/answers during the lectures.

Attendance is mandatory and is considered in the final grade (see "Assessment" section of this Syllabus).

Schedule of Topics

Section 1 Toward a definition of "fundamental rights"

Section 2 The European tradition

Section 3 The American tradition

Section 4 The international system of protection of human rights
 a) The UN system
 b) The regional systems
 c) International criminal justice

Section 5 The European supranational scenario

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- a) ECHR
 - b) EU
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Readings and Materials

Students must own a basic knowledge of western constitutionalism and constitutional law. For this preliminary study see A. Buratti, *Western Constitutionalism*, Springer-Giappichelli, 2nd ed., 2019.

1. C. Krause – M. Sheinin, *International Protection of Human Rights: A Textbook*, Abo Akademi for Human Rights, 2nd ed., 2012.
2. G. Repetto (ed.), *The constitutional relevance of ECHR in domestic and European law*, Intersentia, 2013.
3. C. Amalfitano, *General Principles of EU Law and the Protection of Fundamental Rights*, Elgar, 2018.

Assessment

- For Attending students: Attending students must be present at least to 75% of classes **and** must take part to all the intermediate homework assignment.
The final grade will take into consideration: a) attendance (10%); b) active participation in class (10%); c) in-class presentations/homework assignments (30%) in-class questions and answers (20%); d) a final oral exam, consisting in the discussion of a case (30%).
- For Non-Attending students:
An oral final exam will be held, covering the whole program and the reading materials.

Erasmus students

Erasmus students must contact the secretary of the Global Governance program in order to register to the exam. Please take note of the preliminary knowledge required for the participation to the course (see Readings and Materials section).

Office hours

Prof. Buratti receives students on appointment: burattiandrea@hotmail.com.