



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) the definitions of fundamental rights, between universalism and relativism, (iii) the features of fundamental rights' legal protection in national and international law, and (iv) the main contemporary challenges in a comparative law approach, both regarding the most debated substantive issues as well as having regard to legal mechanism of protection.

Due to the increasing relevance of the judiciary branch in the adjudication of fundamental rights, the course will focus on the case law of the Courts (constitutional, supreme, supranational). 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 frameworks, culture and geopolitical conditions, the legal systems 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 methodology.

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 classes well in advance, through the compulsory reading of the materials pointed out by the professor. The students will interact with the professor and among themselves through presentations and questions/answers during the lectures.

Schedule of Topics

Section 1	Theories of fundamental rights
Section 2	Fundamental rights in the European tradition
Section 3	Fundamental rights in the American tradition
Section 4	The international protection of human rights <ul style="list-style-type: none">a) The UN systemb) International criminal justicec) The regional systems

d) Asylum, refugees and migrants

- Section 5 The European supranational scenario
- a) The ECHR system
 - b) EU's protection of fundamental rights
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Prior knowledge

Although the course is designed for undergraduate students, prior knowledge is required. Students must own a basic knowledge of constitutional and public international law. For this preliminary study, see A. Buratti, *Western Constitutionalism*, Springer-Giappichelli, 2nd ed., 2019.

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) takes part to all the texts and the intermediate homework assignment.

For Attending students:

The final grade will take into consideration: a) active participation in class and in-class questions and answers (30%); c) in-class presentations, texts, homework assignments (70%). Attending students will have the opportunity to improve their grade through a final oral exam on selected reading materials.

For Non-Attending students:

An oral final exam will be held, covering the whole program. Non-attending students must contact via mail the professor in order to receive instructions on the reading materials for the preparation of the exam. The workload will include essays and selected case law of European, American and International Courts.

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 exam. 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).