

SYLLABUS

Fundamental Rights

I. Basic structure of the Fundamental Rights course:

1. Introduction to Fundamental Rights

- Scope of Fundamental Rights;
- Key concepts of Fundamental Rights, as discussed in the scientific literature;

2. Basic structure of the Fundamental Rights Norms

- Basic structure of Fundamental Rights norms;
- Action, subjects and effects of Fundamental Rights norms;

3. Legal Positions in Fundamental Rights Norms

- Identification of the legal positions in Fundamental Rights norms;
- Hohfledian analysis;
- Distinction of Freedom Rights and Social Rights;

4. Rules and Principles

- Distinction between rules and principles; the syntax of principles;
- Genericity as the key criteria of the distinction?

5. Conflicts of Fundamental Rights

- Balancing;
- The Weight Formula – Robert Alexy;
- The Positivist Weight Formula – David Duarte;

6. Restrictions of Fundamental Rights

- Restrictions in general and types of restrictions;
- Specific criteria for adjudicating admissible restrictions;

II. Evaluation

The final grade of students will be based on the following:

- 50%: written test
- 50%: class participation

III. Supporting texts for study and legal exercises

Students are expected to follow closely the texts provided in the Moodle platform as they will serve as the foundation for class discussion.

All relevant exercises will be available in Moodle.