

Diritti fondamentali e diritti umani in prospettiva europea: alcuni chiarimenti

ALESSANDRA FACCHI, SILVIA FALCETTA, NICOLA RIVA

Fundamental Rights and Human Rights from a European Perspective: Some Clarifications

Abstract: In responding to the comments received from the discussants, the authors focus on the relationship between fundamental rights and human rights. From a historical point of view, the thesis of continuity between natural rights, fundamental rights and human rights is defended, which should not prevent from recognizing the distinctions between the corresponding concepts. From a theoretical point of view, the authors clarify how the notions of fundamental rights and human rights were understood in their volume and what relationship exists between them. The proposed distinction between “pre-political” and the “political” concepts of fundamental rights is also clarified. From the point of view of the jurisprudence of the European courts, the authors underline the interaction between the European courts, one of human rights, the other of fundamental rights. Overall, the authors defend the specificity of the European history and system of rights and the continuity and links between different notions of rights and underlying values.

Keywords: Fundamental rights, Human rights, Natural rights, History of rights, European law.

notizie di POLITEIA, XL, 154, 2024. ISSN 1128-2401 pp. 145-152