



UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Human Rights

2021-5-A5810213

Learning objectives

The course aims at providing the students with the knowledge and critical understanding of the main aspects of the international protection of human rights, with particular emphasis on the European system (ie, the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union).

Contents

Human rights and general categories of international law

The European proclamation of Human Rights

Rights' Guarantees

The effectiveness of guaranteed rights

Some examples of human rights protected under International and European law.

Detailed program

- Definition

- The five basic characters of the International and European protection of human rights: novelty; equality; permanence; universality; objectivity

Human rights and general categories of international law

- Reservations to international and European human rights treaties
- Denunciation
- Peremptory norms of international law and *erga omnes* obligations
- Rights holders;
- The formal sources of international and European human rights law

The European proclamation of Human Rights

- The European Convention of Human Rights
- The European Social Charter
- The protection of human rights in the European Union

Rights' Guarantees

- Direct applicability
- The principle of subsidiarity: restrictions to protected rights (absolute and non-absolute rights; national margin of appreciation etc.) and derogations

The effectiveness of guaranteed rights

- Evolutionary interpretation
- Autonomous notions
- Positive obligations
- The horizontal effect

Some examples of human rights protected under International and European law

- The Right to Life
- The prohibition of torture and inhuman and degrading treatment and punishment
- The obligation of non-refoulement
- Non-absolute rights (right to respect for private and family life; freedom of thought, conscience and religion; freedom of expression; freedom of assembly and association);
- Prohibition of collective expulsions of aliens.

Prerequisites

Basic knowledge of public international law.

Teaching methods

Due to emergency measures related to Covid-19, classes will be held online with recording provided on the UNIMIB's e-learning platform.

Assessment methods

The exam is oral, without partial exams. To evaluate the exam the following factors are taken into account: knowledge of the matter; coherence and completeness of the exposition; correct use of legal terminology; capacity to express oneself in a understandable and synthetic way.

Textbooks and Reading Materials

Rhona Smith, International Human Rights Law, 9th edition, Oxford Univ. Press, 2019, chapters Nos. 1, 2, 3, 6, 9, 10, 13, 17.

Sustainable Development Goals

PEACE, JUSTICE AND STRONG INSTITUTIONS
