UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Elements of International Law

2122-1-F4901N108

Learning objectives

The course aims at providing the students with the knowledge and critical understanding of the main aspects of the system of international law , with particular emphasis on the the protection of human rights.

Contents

Part I (Prof. Antonello Tancredi)

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

Part II (Prof. Irini Papanicolopulu)

- Fundamental aspects of international law

- the subjects of international law

- The sources of international law

- International responsibility

Detailed program

Part I (Prof. Antonello Tancredi)

- 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 concepts
- 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.

Part II (Prof. Irini Papanicolopulu)

- Fundamental aspects of international law

- the subjects of international law

a. States

b. international organizations

c. other subjects

- The sources of international law

a. Treaties;

b. Custom;

c. General principles

d. Other sources

- International responsibility;

a. notion and codification of secondary rules

b. the subjective element

c. the objective element

d. circumstances excluding wrongfulness

e. consequences

f. the notion of injured state

Prerequisites

None

Teaching methods

Subject to emergency measures due to covid-19, classes will be front classes in presence.

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

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

Part II: Vaughan Lowe, International Law, Oxford University Press, 2007, chapters Nos. 1, 2, 3 (only sections 3.9 and 3.10), 4