



UNIVERSITÀ  
DEGLI STUDI DI MILANO-BICOCCA

## SYLLABUS DEL CORSO

### Elements of International Law

2122-1-F4901N108

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#### Obiettivi formativi

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.

#### Contenuti sintetici

Part I (Prof. Antonello Tancredi)

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Part II (Prof. Irini Papanicopolulu)

- Fundamental aspects of international law

- the subjects of international law
- The sources of international law
- International responsibility

## **Programma esteso**

Part I (Prof. Antonello Tancredi)

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

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### **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

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### **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 Papanicopolulu)

- 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

## **Prerequisiti**

None

## **Metodi didattici**

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

## **Modalità di verifica dell'apprendimento**

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.

## **Testi di riferimento**

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

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