

Global Law Program
Fundação Getulio Vargas
FGV DIREITO SP

Syllabus

Regular courses - 2 months courses
Spring Semester 2016

Global Law Program - Fundação Getulio Vargas

Course: Introduction to Brazilian Legal System

Professor: Luciana Ramos and Flavio Rubinstein

Workload: 30 hours

Credits: 2

Overview:

The main object of this course is to introduce foreign students to the Brazilian Legal system. After a brief overview of the main features of the 1988 Constitution, the course will focus in our system of constitutional review, especially on the role of the Supreme Court. The course will certainly have a comparative perspective, to help students understand the peculiarities of the Brazilian system vis-à-vis their own constitutional systems. The subpart of the *Introduction to Brazilian Legal System* discipline provides an overview of the basic concepts underlying Brazilian tax law. Subjects covered in this introductory course include the assignment of federal and subnational taxes, the main principles and rules of individual and corporate taxation and the tax law treatment of inbound and outbound transactions and investments. Special emphasis is placed on selected issues of Brazilian taxation with an international impact.

The course aims to develop on student's knowledge on the various sources and core concepts of Brazilian tax law, as well as critical analytical skills on the structure of the Brazilian tax system and its policy implications, with a special emphasis on inbound and outbound transactions and investments.

References:

- ✓ Afonso, José Roberto; Barroso, Rafael, *BRAZILIAN TAX AFFAIRS* (Latin American and Caribbean Law and Economics Association Annual Papers, 2007) (transcript available at: <http://www.escholarship.org/uc/item/1rf7690j>).
- ✓ Rubinstein, Flavio, *Brazil*, in *TAX ASPECTS OF FISCAL FEDERALISM: A COMPARATIVE ANALYSIS*, (Claudio Sacchetto and Gianluigi Bizzioli, ed.), Amsterdam: IBFD, (forthcoming; an electronic draft will be circulated by the professor).
- ✓ Afonso, José Roberto; Rezende, Fernando, *THE BRAZILIAN FEDERATION: FACTS, CHALLENGES AND PROSPECTS* (Stanford University Center for Research on Economic Development and Policy Reform, Working Paper 149, 2002) (transcript available at: <http://www.stanford.edu/group/siepr/cgi-bin/siepr/?q=system/files/shared/pubs/papers/pdf/credpr149.pdf>).
- ✓ McLure, Charles E, *The Brazilian Tax Assignment Problem: Ends, Means and Constraints*, in *A REFORMA FISCAL NO BRASIL*, São Paulo: Fundação Instituto de Pesquisas Econômicas, 45-71 (1993).
- ✓ Schoueri, Luís Eduardo, *National Report: Brazil*, in *THE EU AND THIRD COUNTRIES: DIRECT TAXATION* (Michael Lang; Pasquale Pistone, ed.), Viena: Linde, 639-681 (2007).
- ✓ *CONTRIBUTION TO THE HISTORY OF TAX TREATIES: THE BRAZILIAN EXPERIENCE* (2008) (transcript available at: <http://www2.wu-wien.ac.at/taxlaw/events/Conferencepapers/Rust2008/NRRust2008BrazilSchoueri.pdf>).
- ✓ Souza, Celina, *Brazil's Tax System: The Dilemmas of Policy Reform* (Fondation canadienne pour les Amériques Working Paper FPP-05-02, 2002) (transcript available at: http://www.focal.ca/pdf/brazil_tax.pdf).
- ✓ Ter-Minassian, Teresa, *Brazil*, in *FISCAL FEDERALISM IN THEORY AND PRACTICE* (Teresa Ter-Minassian ed.), Washington: International Monetary Fund, 438-456 (1997).
- ✓ World Bank, *BRAZIL: ISSUES IN FISCAL FEDERALISM* (Report No. 22523-BR, 2002) (transcript available at:

<http://siteresources.worldbank.org/BRAZILINPOREXTN/Resources/3817166-1185895645304/4044168-1186403960425/51IssuesFiscalFederalism.pdf>).

Global Law Program - Fundação Getulio Vargas

Course: Labor and Trade as International Legal Institutions of the Empire

Professor: Arthur Capella Giannattasio

Workload: 30 hours

Credits: 2

Overview:

According to a post-colonial perspective of Public International Law, this course presents a critical overview of two contemporary international legal institutions: the International Labor Organization (ILO) and the World Trade Organization (WTO).

The course will be based on a critical sociological analysis of international legal frameworks. This critical institutional analysis will consist of a negative dialectic approach of the legal structures and functions of each International Organization. The unveiling of their respective historic-institutional anchoring will present them as positive examples which were responsible for the practical affirmation of contemporary global legal order: the order of the Empire.

The perception of the multi-dimensional tensions underlying each institutional design will point that, from (the Treaty of) Versailles (1919) to Marrakesh (Agreement) (1994), the international legal order underwent a double crucial structural change: not only from coexistence to cooperation, but also from cooperation to Empire. Based on imperial legal institutions, contemporary global order presents a legal regime whose structure should be examined to assess if whether or not it empowers people in developing or underdeveloped countries.

Class 1: Course Presentation and Introduction to Law and Politics

Part 1 - Abstract and Objectives, Teaching and Evaluation Methods and Criteria, Pedagogical Justification

Part 2 - Introduction to Critical Sociological Legal Studies

Class 2: International Law and its Changing Structure

Part 1 - Focus Group and Oral Presentations (UNGER, 1996)

Part 2 - The Changing Structure of International Law

Class 3: International Law in Pieces

Part 1 - Focus Group and Oral Presentations (FRIEDMANN, 1964)

Part 2 - International Law and Fragmentation

Class 4: Law and Empire in International Legal Order

Part 1 - Focus Group and Oral Presentations (GROSS, 1948; KOSKENNIEMI, 2007)

Part 2 - The Rise of the Imperial Order

Class 5: ILO and WTO - History, Structure and Function I

Part 1 - Focus Group and Oral Presentations (HARDT; NEGRI, 2000)

Part 2 - ILO and WTO - History, Structure and Function

Class 6: ILO and WTO - History, Structure and Function II

Part 1 - Focus Group and Oral Presentations (POLLACK; SHAFFER, 2001; SHAFFER; MENSA, 2005)

Part 2 - ILO and WTO - History, Structure and Function

Class 7: ILO, WTO and the Imperial Order

Part 1 - Focus Group and Oral Presentations (SHAFFER; NEDUMPARA; SINHA, 2015)

Part 2 - ILO and WTO: Institutional Contributions for the Imperial Order

Class 8: Final Remarks

Part 1 - Final Exam

Part 2 - New Political Narratives on International Law: A Third World Approach of the Imperial Order

References:

- ✓ FRIEDMANN, Wolfgang. The Changing Structure of International Law. New York: Columbia University, 1964.

- ✓ GROSS, Leo. The Peace of Westphalia, 1648-1948, *The American Journal of International Law*, v. 42, n. 1, p. 20-41, 1948.
- ✓ HALLIDAY, Terence; SHAFFER, Gregory. Transnational Legal Orders. In: HALLIDAY, Terence; SHAFFER, Gregory (Ed.). *Transnational Legal Orders*. Cambridge: Cambridge University, 2015.
- ✓ HARDT, Michael; NEGRI, Antonio. *Empire*. Cambridge/London: Harvard University, 2000.
- ✓ KOSKENNIEMI, Martti. The Fate of International Law: Between Technique and Politics, *Modern Law Review*, v. 70, n. 1, p. 1-20, jan. 2007.
- ✓ POLLACK, Mark; SHAFFER, Gregory. Who Governs Transatlantic Relations. In: POLLACK, Mark; SHAFFER, Gregory. (Ed.). *Transatlantic Governance in the Global Economy*. Lanham: Rowman & Littlefield, 2001.
- ✓ SHAFFER, Gregory. The World Trade Organization under Challenge: Democracy and the Law and Politics of the WTO's Treatment of Trade and Environment Matters, *Harvard Environmental Law Review*, v. 25, p. 1-93, 2001.
- ✓ _____. Recognizing Public Goods in WTO Disputes Settlement: Who Participates? Who Decides? The Case of TRIPS and Pharmaceutical Patent Protection, *Journal of International Economic Law*, n. 2, p. 459-482, 2004.
- ✓ SHAFFER, Gregory; BADIN, Michelle Ratton; ROSENBERG, Barbara. The Trials of Winning at the WTO: What Lies Behind Brazil's Success, *Cornell International Law Journal*, v. 41, n. 2, 2008.
- ✓ SHAFFER, Gregory; MENSAH, Yvonne. Law and Politics of Rights: Who Decides the Conditions for Trade Preferences?: Institutional Choice in the General System of Preferences Case, *Journal of World Trade*, v. 39, n. 5, p. 977-1008, dec. 2005.
- ✓ SHAFFER, Gregory; NEDUMPARA, James; SINHA, Aseema. State Transformation and the Role of Lawyers: The WTO, India, and Transnational Legal Ordering, *Law & Society Review*, v. 49, n. 3, p.595-629, 2015.
- ✓ TEUBNER, Gunther. *Global Law without a State*. Burlington: Ashgate, 1997.
 - ✓ UNGER, Roberto. *What Legal Analysis should Become?* London: Verso, 1996.

Global Law Program - Fundação Getulio Vargas

Course: Social Representation of Law in Brazil

Professor: Alexandre Pacheco da Silva / Victor Nobrega

Workload: 30 hours

Credits: 2

Overview:

The course intends to present and discuss accepted representations of Brazilian society. In its history, different images have led to the emergence of competing, sometimes antagonistic views, on the role of Law and the judicial system. By debating myths and perceptions through concrete situations, this course offers an introduction to the economic and social problems that challenge the Brazilian interpreter and that influence how its legal system works

References:

- ✓ BRESSER-PEREIRA, L.C. MARAVALL, José María and PRZEWORSKI, A. Economic reforms in new democracies: a social-democratic approach. In William C. Smith, Carlos H. Acuña and Eduardo Gamarra, eds., Theoretical and Comparative Perspectives for the 1990s. New Brunswick, USA: Transaction Books, 1994: 181-212.
- ✓ CANDIDO, A. (translated by Howard S. Becker) – On Literature and Society – Princeton University Press, 1995
- ✓ LEVINE, R. & CROCITI, J. (eds.) - The Brazil Reader: History, Culture, Politics (The Latin America Readers), 1999
- ✓ MARTINUSSEN, John – Society, State and market. A guide to competing theories of development. Zed Books, 1997.
- ✓ TAYLOR, Charles - Modern social imaginaries, Durham : Duke University, 2004.

Global Law Program - Fundação Getulio Vargas

Course: Global Securities Regulation and its Influence in Brazil

Professor: Nora Rachman

Workload: 30 hours

Credits: 2

Overview:

Considering the different status of economic openness (free capital movements), and having in mind the specific limits and restrictions imposed by the different jurisdictions and its legal systems, the course will examine the impact of globalization on national and international, and public and private securities regulation. It will focus around the following related issues:

- (i) the relationships established in the international capital markets and how they affect the domestic regulatory activity,
- (ii) the limits of the domestic and international regulation,
- (iii) harmonization possibilities in securities regulation,
- (iv) legal determinants that can drive to the development of the regulatory environment and to the development of the markets.

References:

- ✓ COFFEE, John C.; SELIGMAN, Joel; SALE, Hillary. Cases and Materials. Securities Regulation, 10th ed, 2007, New York: Foundation Press
- ✓ IOSCO. Objectives and Principles of Securities Regulation, May/2003. Available at <http://www.iosco.org/library/pubdocs/pdf/IOSCOPD154.pdf>
- ✓ BALDWIN, R.; CAVE, M.; LODGE, M. Understanding regulation: theory, strategy and practice. Oxford: Oxford University Press, 2012.
- ✓ BRUMMER, C. Soft Law and the Global Financial System: Rule Making in the 21st Century. Cambridge: Cambridge University Press, 2012.
- ✓ EATWELL, J. The Future of International Financial Regulation. In: BURKE, S. (Ed.). Re-Defining the Global Economy. New York: Friedrich Ebert Stiftung Occasional Paper No. 42, 2009. P. 37-43.
- ✓ HELLEINER, E.; PORTER, T. Making Transnational Networks More Accountable. In: Sara BURKE, S. (Ed.). Re-Defining the Global Economy. New York: Friedrich Ebert Stiftung Occasional Paper No. 42, 2009. P.14-24. Available at <http://library.fes.de/pdf-files/iez/global/06293.pdf>.
- ✓ KELLY, C.; KARMELO, R. S. The hardening of soft law in securities regulation. Brooklyn Journal of International Law, v. 34, 2009. (Brooklyn Law School. Legal Studies Paper n. 141). Available at <http://ssrn.com/abstract=1371188>.
- ✓ LA PORTA, R.; LOPEZ DE SILANES, F.; SHLEIFLER, A. What Works in Securities Laws? The Journal of Finance, v. LXI, n 1, 2007.
- ✓ MILHAUPT, C.; PISTOR, K. Law and Capitalism: What Corporate Crises Reveal about Legal Systems and Economic Development around the World. Chicago: University of Chicago Press, 2008.
- ✓ PORTER, T. Globalization and Finance. Cambridge, Mass.: Polity, 2005.
- ✓ SIMMONS, B. The International Politics of Harmonization: The case of Capital Market Regulation. International Organization, v. 55, 2001, p. 589-620.
- ✓ SINGER, D. A. Regulating Capital: Setting Standards for the International Financial System. Ithaca: Cornell University Press, 2007.

- ✓ UNDERHILL, G.; ZHANG, X Setting the rules: private power, political underpinnings, and legitimacy in global monetary and financial governance. *International Affairs*, v. 84, n. 3, 2008, p. 535-554.

**Global Law Program
Fundação Getulio Vargas
FGV DIREITO SP**

Syllabus

**Visiting Professor – Short Term Courses
Spring Semester 2016**

Global Law Program – **Visiting Professor**

Course: Securities Regulation: a law and economics approach

Professor: Merritt Fox

Workload: 15 hours

Credits: 1

Overview:

Over the last few decades, finance has become a field of serious scientific study. It has been increasingly used by scholars as a method for analyzing issues in securities regulation.

Particularly in the United States, this trend has had a significant influence on decisions relating to securities regulation made by the legislature, the courts and the SEC. This course will explore the use of financial economics as a normative tool to suggest the best way to regulate securities transactions.

The course will use economic analysis to address four large topics that are central to the study of securities regulation: mandatory disclosure, insider trading regulation, enforcement through civil damage actions, and the allocation of regulatory authority with respect to transactions with transnational features.

The course will be taught around a set of lectures that will be backed by power point presentations, interspersed with questions and discussion. These power point presentations will be made available after each class. The critical thing to succeed in this course is that you master the ideas behind these presentations.

References:

To be assigned.

Global Law Program – **Visiting Professor**

Course: International Law & Diversity in Latin America

Professor: Sergio Costa

Workload: 15 hours

Credits: 1

Overview:

Since the late 1980s, we have observed a “multicultural turn” in international law. Accordingly, different international conventions have recently introduced instruments in order to protect cultural diversity and to provide adequate resources for the cultural reproduction of minorities. The global results are ambivalent. On the one hand, many countries ratified these conventions and integrated correspondent guarantees into their national legal framework. However, at the same time, cultural rights have often led to new conflicts between ethnic minorities, economic agents, and also other social groups (peasants, rural workers etc.) not classified as a cultural minority. Due to their cultural diversity and their cultural policies, Latin American and the Caribbean are privileged regions to observe positive and negative developments concerning the global dissemination of cultural rights. This compact course offers an overview of conceptual debates about international law and diversity and also case studies which illustrate key aspects in current processes of implementation of cultural rights in Latin American and the Caribbean.

Each course session comprehends five activities:

1. A general introduction to the topic by the course instructor (about 40 minutes)
2. Presentation of discussion questions based on the compulsory bibliography by selected participants (about 25 minutes)
3. Discussion in small groups (about 25 minutes)
4. Plenary discussion (about 60 minutes)
5. Summary and references for further research by the course instructor (30 minutes)

The performance evaluation will be based on the quality of individual participations in the meetings (40%) as well as in an individual paper of about 3000 words (60%) to be delivered until four weeks after the final course session.

References:

- ✓ Lenezerini, Federico (2014): *The Culturalization of Human Rights Law*. Oxford: Oxford University Press, Chapter 3;
- ✓ Schilling-Vacaflor, Almut / Flemmer, Ricarda (2016): *Conflict Transformation through Prior Consultation?* *Journal of Latin American Studies*, forthcoming;
- ✓ Dulitzky, Ariel (2010): *When Afro-Descendants became ‘Tribal Peoples’: The InterAmerican Human Rights System and Rural Black Communities*. *UCLA Journal of International Law and Foreign Affairs*, 29, pp. 1-37;
- ✓ Bocarejo, Diana (2014): *Legal Typologies and Topologies: The Construction of Indigenous Alterity and Its Spatialization Within the Colombian Constitutional Court*. *Law & Social Inquiry*, 39(2): pp. 334–360;
- ✓ French, Jan H. (2009): *Legalizing Identities. Becoming Black or Indian in Brazil’s Northeast*. Chapel Hill: Univ. of North Carolina Press, Chapter 1;
- ✓ Boulden, Jane/ Kymlicka, Will (2015): *International Approaches to Governing Ethnic Diversity*. Oxford: Oxford University Press

- ✓ Kymlicka, Will (2007): *Multicultural Odysseys. Navigating the New International Politics of Diversity*. Oxford, Oxford University Press;
- ✓ Barelli, Mauro (2012): Free, prior and informed consent in the aftermath of the UN Declaration on the Rights of Indigenous Peoples: developments and challenges ahead." *The International Journal of Human Rights*, 16 (1): 1-24.
- ✓ Sieder, Rachel (2015): *Indigenous Peoples' Rights and Law in Latin America*. In: Gravito, César Rodríguez(ed.): *Law and Society in Latin America: A New Map*. London/New York: Routledge, pp. 143-157.
- ✓ Antkowiak, Thomas (2015): A Dark Side of Virtue: The Inter-American Court and Reparations for Indigenous Peoples. *Duke Journal of Comparative & International Law*, 25(1): 1-80.
- ✓ Gonçalves, Guilherme L./ Costa, Sérgio (2016): The Global Constitutionalization of Human Rights: Overcoming Contemporary Injustices or Juridifying Old Asymmetries? *Current Sociology*, Special Issue edited by Manuela Boatcă and Vilna Bashi Treitler (forthcoming)
- ✓ Baquero, Jairo M. (2015): *Layered Inequalities. Land grabbing, collective land rights and Afro-descendant resistance in Colombia*. Berlin: LIT
- ✓ Ojeda, Diana (2012): Green pretexts: Ecotourism, neoliberal conservation and land grabbing in Tayrona National Natural Park, Colombia. In: *The Journal of Peasant Studies*, Volume 39, Number 2, 1 S. 357-375(19)
- ✓ Carneiro da Cunha, Manuela (2009): *Culture and culture. Intellectual Rights and Traditional Knowledge*. Illinois: Prickly Paradigm Press, 2009.
- ✓ Costa, Sérgio (2012): Freezing Differences. Law, Politics, and the Invention of Cultural Diversity in Latin America. In: Araujo, K./Mascareño, A. (ed.): *Legitimization in World Society*. Farnham: Ashgate, pp. 139-156.

Global Law Program – **Visiting Professor**

Course: INTERNATIONAL HUMAN RIGHTS FROM A GLOBAL SOUTH PERSPECTIVE

Professor: Jessica Morris

Workload: 15 hours

Credits: 1

Overview:

The course is designed to give you an overview of the international mechanisms of protection of human rights. The course will highlight important legal concepts and relevant current themes in International Human Rights from a Global South perspective. We will also analyze strategies on how to address human rights violations and examine the impact of external pressure from non-governmental organizations, other states and intergovernmental organizations. To that end, class attendance is mandatory, and preparation of all assigned materials is expected. During class you can expect to be called upon to provide insightful discussion regarding the assigned material. The materials include judicial decisions, law review articles, and excerpts from books.

Class 1 Introduction to International Human Rights Law

General overview of International Human Rights (UN Charter, Universal Declaration and Covenants, etc.). Overview of the international systems for protection of human rights (UN, Regional systems - in particular the Inter-American and African Systems). Discussion on perspectives on human rights (universalist vs. cultural relativist).

Specific Themes

Class 2 Migration & Refugees

Review of International Human Rights Standards (Universal Declaration on Human Rights, Refugee Convention and Protocol, U.N. High Commissioner for Refugees). Specific examples (European Countries, US, Brazil).

Class 3 Disappearances

Disappearances then and now. Review the first Inter-American Court decision (Velásquez Rodríguez v. Honduras). Overview of recent cases of disappearances, including Ayotzinapa (Mexico).

Transitional Justice & Amnesty Laws

Review of transitional justice processes in South American Countries (Argentina, Brazil and Uruguay) and South Africa. Analyze lessons learned from each process.

Class 4 Criminal Justice (torture, police brutality, prison systems)

Overview of international standards on torture and inhumane and degrading treatment. Analysis of specific cases before the Inter-American Commission and Court.

National Security & Terrorism

Overview of international systems (UN Security Council -- Counter Terrorism Committee). Review of anti-terrorism laws and analyze the limitation of freedoms in the name of national security. Discuss the existence and status of Guantanamo.

Class 5 Business and Human Rights

Review the role of corporations and their impact on human rights. Analyze examples of litigation and advocacy as it relates to violations of human rights committed by corporations in the Global South. Review the UN Guiding Principles on Business and Human Rights.

References:

To be assigned

Global Law Program – Visiting Professor

Course: Society and Law: The Italian Experience of “MANI PULITE”.

Professor: Serena Quattrocolo

Workload: 15 hours

Credits: 1

Overview:

The growing international commitment in combating corruption has got many important scientific and academic links. Comparing different domestic normative experiences is capital in setting forth effective tools to contrast bribery at the international level. In this context, FGV Direito and the Law Department of the Turin University are committed in a dynamic research group, inside the Law Schools Global League, meant to study corruptive phenomena under a comparative viewpoint. Research, naturally, tends to the future: to clear out current problems, to imagine viable solutions to those problems. Nonetheless, understanding the present days means to reflect on what occurred in the past. Thus, starting from this common academic experience, I submit to your evaluation a proposal for a short-term course, about the most relevant affaire of corruption in the recent Italian history.

In the first half of the Nineties (of the past Century), the prosecutor office in Milan started some joint investigation about a net of corruption that seemed to be widely spread. The prosecutor’s hypothesis was that a true system of bribery had been established between political parties and entrepreneurs, in order to “settle” public procurements and public authorizations. Years of investigations, a huge number of criminal proceedings, massive arrests and pre-trial detention orders brought to an amazing consciousness: each public procurement procedure, each call for tender had, in Italy, a “price” to be paid for. The amount and the destination of bribes was pre-established by political parties, that shared brutally, but peacefully, between them the control of public procurements. Infrastructures, public services, public licences and authorizations were not assigned on the base of valid offers, but according to a bribe “price-list”. Companies had just to get the good “tip”: according to the city or to the region, whom had to be paid; how much was to be paid.

The shock was immense. The Italian society had to face the end of an era, the post-WWII era, that had finally brought (supposedly) democracy and welfare to anybody. The Mani pulite affaire was to put an end to the so called “first Republic”: the will to pass over, the will to rebuild a viable and acceptable political system was so strong that everything happened so far had to be abandoned, had to be relegated in the past as the “first Republic”. A new order was needed: social, political, juridical and judicial.

The course will focus on each of these aspects.

- First: short introduction of the social and political context. Mani pulite will be presented as a consequence of the peculiar Italian situation, at the beginning of the Nineties. Brief remarks on the Italian modern political system, with specific regard to the role of political parties, their constitutional standing, their funding system, the role they played in the public institutions (2 hours); brief remarks about the Italian social order in the Eighties/Nineties (2 hours)

- Second. Overview on the offences applied in Mani pulite proceedings: false accounting, concussion and illegal founding to political parties. The bribe system discovered by Milan prosecutors will be analysed through the scheme of these offences, in order to clear out which were the weak aspects of the existing Italian legislation in those years (2 hours). Starting from the results of such analysis, the course will focus on the following reforms of the Italian counter-corruption policies. In particular, a recent reform (law no. 190/ 2012) made changes on the whole “corruption legal framework”, both under the administrative and criminal viewpoint. The reform amended (for the first time since 1930) the offence of “concussione”, that had been criticised by international organizations like OCSE, by splitting it into two different crimes: “induzione indebita a dare o promettere denaro o altra utilità” ex art. 319-querter c.p., and “concussione” ex art. 317 c.p. On the administrative law side, the reform provided for a national authority against corruption, called ANAC, with the responsibility of drafting a triennial national plan against corruption; prescribed to all the public entities to adopt an anticorruption plan that should be attached to the compliance program ex d.lgs. 231/2001; introduced a compulsory whistleblowing mechanism for public entities. The crime of false accounting, on the other hand,

has been deeply reformed, in 2002 and again in 2015 with the law n. 69/2015 (5 hours)

- Third. Some remarks to the judicial consequences of Mani pulite. As a result of that proceedings, many provisos of the Italian Criminal procedural code were amended, especially in order to prevent abuse of pre-trial detention, as a “mean” of investigation. Important amendments were made also under the angle of evidence (2 hours)

- Fourth. Finally, The course will consider the point of view of international organizations about the Italian new legal framework on corruption (UN, GRECO, OCSE), with an overall impression in terms of effectiveness of the reform, (law 190/2012), after three years of application. Concluding remarks: did the Italian reforms achieve the goal of re-building a “non-corruptive” social system? Is criminal law the best counter-corruption tool? (2 hours).

This general overview should help students in focusing on corruption (an example of corruption) under a global viewpoint: in fact, the main provisional achievement of our LSGL research team about corruption was to establish unexpected similarities between our domestic social and legal systems, even though a wide number of countries are represented within the group. Unfortunately, corruption is a global phenomenon that can be (fortunately) contrasted by global practices: our law schools students must acquire this approach.

References:

To be assigned