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- International Conference -

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Section III.

International Law

Friday, June 27, 2025

Online on Zoom

Moderator:

Associate scientific researcher **Cristina Elena Popa Tache**, Institute of Legal Research of the Romanian Academy; Visiting Scholar at the Lauterpacht Centre for International Law, Cambridge

! Each paper will be presented within 15 minutes

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SCIENTIFIC PAPERS

STRENGTHS AND SHORTCOMINGS OF CLIMATE CHANGE LITIGATION: AN EMPIRICAL ANALYSIS OF STAKEHOLDER PERSPECTIVES

PhD. Federica CRISTANI

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Abstract

This article investigates how diverse actors - judicial authorities, policy officials, and civil society representatives - perceive the potential benefits and shortcomings of climate change litigation when anchored in human rights frameworks. Grounded in the Horizon Europe "HRJust" project, our study employs a mixed-methods approach combining semi-structured interviews and a research survey. We identify core advantages of rights-based litigation, including its ability to frame climate as a human rights issue, pressure policymakers, raise public awareness, empower civil society, and advance legal development. Conversely, stakeholders flagged significant gaps, including restricted access to justice, inadequate financial and technical resources, limited judicial climate knowledge, weak legal frameworks, and insufficient enforcement mechanisms. By synthesising stakeholder-informed insights and comparing them with the relevant academic literature, this article aims to add an empirical perspective on climate change litigation.

THE UNBREAKABLE CODE SHAPING DIGITAL RESISTANCE: A RIGHT TO ENCRYPTION IN THE JURISPRUDENCE OF THE EUROPEAN COURT OF HUMAN RIGHTS AND THE EUROPEAN COURT OF JUSTICE

Associate professor Marijana MLADENOV

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Abstract

*This article analyzes the increasing recognition of a "right to encryption" within the jurisprudence of the European Court of Human Rights (ECtHR) and the European Court of Justice (ECJ). Both the ECtHR and the ECJ have played crucial roles in shaping the European legal landscape concerning encryption, particularly from the perspective of human rights protection, especially the right to privacy and data protection. The article examines significant rulings, notably the ECtHR's landmark decision in *Podchasov v. Russia* (2024) and the ECJ's case law on data retention. Both courts enforce strict standards of necessity and proportionality regarding governmental intrusions into digital communications, effectively resisting calls for "backdoors" or compromise of cryptographic security. This judicial approach transforms the technical capabilities of an "unbreakable code" into a practical legal*

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foundation for individual autonomy against state intrusion, thereby reinforcing "digital resistance" within the European legal framework.

THE INTERNATIONAL CRIMINAL COURT AND RODRIGO DUTERTE: AN ILLEGAL ARREST?

Associate Professor (Ph.D.) **Paulo DE BRITO**
Universidade Lusófona, Centro Universitário do Porto, Portugal

Abstract

On March 11, 2025, Rodrigo Duterte, former President of Philippines, was detained at the international airport Ninoy Aquino pursuant to a warrant of arrest issued by the Pre-Trial Chamber I of the International Criminal Court. This paper argues this was illegal given that Philippines' withdrawal from the Rome Statute took effect on March 17, 2019, while only on September 15, 2021, the Prosecutor started a formal investigation into the situation of Philippines in relation to crimes allegedly committed on the territory of the latter between November 1, 2011, and March 16, 2019.

A FORGOTTEN GENOCIDE: THE YAZIDIS' ENDLESS STRUGGLE FOR JUSTICE

Law degree candidate **Benedetta CATANOSO**
University of Catania, Italy

Abstract

This study aims to explore the genocide committed against the Yazidi community by ISIS, focusing on the atrocities that began in August 2014 in Sinjar, Iraq. The objective is to document the historical persecution of the Yazidis and examine these events within the legal framework of international criminal law. Adopting a qualitative methodology based on document analysis, legal reports, and international resolutions, the paper investigates the mechanisms of violence—including reproductive violence against women—as tools of ethnic and religious extermination. It also examines institutional responses, including those by the United Nations, the Iraqi government, and European institutions, assessing the legal and political limitations of both domestic and international justice systems. Notably, the study analyzes the first-ever conviction of an ISIS member for genocide by a German court, marking a significant step in international accountability. The findings reveal a persistent gap between formal recognition and effective justice, as legal and political obstacles continue to hinder comprehensive prosecution. It concludes by advocating for a victim-centered transitional justice approach that prioritizes acknowledgment, healing, and long-term support for the Yazidi community trying to contribute to the broader discourse on preventing future genocides and enhancing the effectiveness of international legal responses.

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MIGRANT TRAFFICKING NETWORKS. WHERE IS THE HUMAN ETHICS?

Professor **Ana CAMPINA**

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Professor **Carlos RODRIGUES**

University Fernando Pessoa, FP-13ID, CEPESE, Porto, Portugal

Abstract

The purpose of this paper is to present the result of the research aiming to answer the difficult and controverse question: Migrant Trafficking Networks. Where is the Human Ethics? Presenting the data, the International and European legal environment, as well as pointing out the action of the International Migration Organization. Although all efforts to give the protection needed to the migrants, prevent the worst violence and crimes committed against and millions of human beings. While legal and political governance instruments, the context is serious involving millions of persons, being a global reality requiring a serious and effective (re)action by all direct or indirect enrolled in this worldwide reality. The challenge is in the top of priorities to the International Community, to the States and their Governments. Are the International and European Laws being applied? The International Community is being able to give the need answer to this complex and critical reality? There is Human Ethics in the migration governance? Which is the result of the migrant trafficking networks fighting? These are some questions that were the support of our research that we try to analyze and summarize in this paper.

PROFESSIONALISM OF VIETNAM CIVIL SERVANTS IN THE CONTEXT OF INTERNATIONAL INTEGRATION

PhD. **Pham Hong THAI**

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PhD. **Vu Hong VAN**

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PhD. student **Ho Duc HIEP**

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Abstract

Professionalism is an important and necessary requirement for civil servants in the public service and in the face of the demands of Vietnam's international integration. The purpose of this study is to explore the requirements for the qualities, capacities and prestige of Vietnamese civil servants in the context of international integration. To achieve this goal, this study focuses on understanding the legal documents of the State regulating the qualities, capacities and prestige of civil servants; surveying 135 people to understand the current situation and requirements to improve the professionalism of civil servants, especially in the context of international integration with difficulties and limitations due to foreign language proficiency and technology application. The research results show that, in the face of the urgent demands and requirements of the reform of the public service and the requirements of the international integration process, the qualities, capacities and prestige of civil servants are improved, professionalism is enhanced. However, the civil service still has some shortcomings and limitations that need to be

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overcome. Based on the survey, analysis, and evaluation combined with the study of regulations in the State's legal documents, this study proposes solutions to further enhance the professionalism of the Vietnam civil service in the context of international integration at present and in the future.

THE LEGAL BACKGROUND TO FINANCIAL INTEGRATED REPORTING

Professor Neels KILIAN

North West University, South Africa

Abstract

In South Africa, listed companies are in the process of complying with environmental, social and governance (ESG) reporting. However, the compliance process is a work in progress and the Johannesburg Stock Exchange (JSE) is currently in the process of implementing ESG requirements for listed companies, that is, JSE ESG metrics. This inaugural briefly focuses on the background to ESG and its development in South Africa, as well as the most recent developments in this regard with reference to international law principles, for example United Nations Global Compact. The inaugural also briefly examines the environmental, social and corporate governance legs of the JSE ESG metrics and the greenwashing of company business activities.

INTERNATIONAL LAW FACED WITH ADVANCES IN THE MEDICAL SCIENCES. SOME ETHICAL, SOCIAL AND LEGAL IMPLICATIONS OF XENOTRANSPLANTATION

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Abstract

Xenotransplantation is considered as one of the most promising medical solutions to alleviate organ deficiency, reduce patient mortality or improve their quality of life. This revolutionary medical technique, however, raises some ethical, social and legal issues. In the context of recent scientific progress in the field, this study proposes an analysis of the implications regarding respect for human dignity and identity, informed patient consent and animal safety. The risks to public health and issues of equity and social acceptance of this procedure are also debated. The future development as cell therapy of this technique requires the revision of the national and international legislative framework. The prompt response of international law on the conditions for conducting clinical trials of xenotransplantation is essential in managing the challenges it poses. The paper advocates the need to create an internationally harmonized regulatory framework. It must be based on sound ethical principles, the precautionary principle and public involvement in regulatory decision-making so that xenotransplantation truly serves the best interests of humanity in a fair and safe manner.

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NEW ASPECTS OF BREXIT

Lecturer **Ovidiu-Horia MAICAN**

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Abstract

Nine years after the 2016 Brexit referendum, Britons are still divided on their views on their relationship with Europe. Some 31% of voters would vote to return to the EU, while 30% of voters would prefer to see more trade ties with the EU without joining the single market. Meanwhile, 11% wanted to join the single market only, 10% were happy with the current situation, and 9% wanted to reduce the UK's ties with the EU. Majority of voters now regret Brexit. A growing majority have begun to regret Brexit. In April 2021, when asked if Brexit was the wrong decision, 46% of Britons thought it was the right decision, compared to 43% who thought it was the wrong decision. Since January 2025, the proportion of people who thought Brexit was the wrong decision has risen to 55%, while the proportion who thought it was the right decision has fallen to just 30%. Britons see few benefits from Brexit in 2025. According to a poll conducted in early 2025, 31% of British residents believed that Brexit had a positive impact on the country's ability to make its own laws. However, the majority of the impact of Brexit was seen as negative, especially from an economic perspective. Of those surveyed, 67% believed that Brexit had a negative impact on the cost of living, and another 65% believed that it had a negative impact on the economy in general.

ARTIFICIAL INTELLIGENCE, EXISTENTIAL RISKS AND INTERNATIONAL OBLIGATIONS

Associate professor **Cristina Elena POPA TACHE**

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Abstract

The proliferation of generative artificial intelligence, together with the rapid convergence of potentially disruptive technologies, has led public international law, in addition to adapting to the new, to begin to rediscover its founding retro vocation, namely that of preventing catastrophes and preserving the conditions of humanity. The paper starts from the hypothesis that the existential risks generated by artificial intelligence, from algorithmic collapses to the possibility of irreversible decision-making autonomy, are best addressed through an anticipatory reconfiguration of international norms, inspired by the precautionary principle and intergenerational responsibility. Analyzing the relevant theoretical contributions of authors such as Bryan Druzin, Fabien Boute and Michael Ramsden, the paper debates the outline of a new legal obligation of states to regulate and monitor high-performance AI, cumulatively, in relation to human rights, planetary stability and the continuity of civilization. In order to support these proposals, the possibility of normative transplantation of principles that have worked in other delicate areas such as environmental law is analyzed, in the axiological support of the 'jurisprudence of uncertainty' and responsibility for the unknown. On the institutional level, the Council of Europe Framework Convention on AI (2024) is analyzed as an expression of a new constituent phase in international law that demonstrates that technological regulation is at the intersection of sovereignty, fundamental rights and care for the future. The conclusion contains a proposal called by the author "existential due diligence" as a revolutionary legal concept that obliges key stakeholders (including states) to prevent algorithmic abuse by anticipating the ontological limits of automated governance.