# Human Rights

## Prof. Francesca De Vittor

The course consists of two closely related parts: the first part is a general introduction to the international protection of human rights, and the second part is a single-subject course on the protection of migrants and refugees.

Upon agreement with the lecturer, students travelling from abroad for a single semester can attend only one semester of the course. The exam programme and the number of ECTS awarded will be adjusted accordingly. A specific reading list for the final exam, entirely in English, can be made available for the students having difficulties in studying in Italian.

***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

The first part of the course (corresponding to semester 1) aims to provide students with knowledge of the fundamental aspects of the phenomenon of the international protection of human rights, with particular reference to its impact on the main institutions of international law. At the end of this first part, students will have acquired an in-depth knowledge of the system of sources of international human rights law and their application, both with reference to the domestic and the international system, both at universal and at European regional level. Students will be able to assess situations involving violations of human rights by identifying the violated international standards and different forms of state liability resulting from the violation; they will also be able to hypothesise actions to assert responsibility at national and international level.

The knowledge acquired in general terms in the first part of the course is then applied and further studied with reference to the rules of international law applicable to the movement of persons, with particular attention to issues relating to the protection of migrants and refugees (semester 2). At the end of this second part, students will be able to assess the international legitimacy of national and European measures aimed at border control and immigration management. They will also be able to envisage protection strategies and judicial protection actions both within the national judicial system and before international and European judicial and quasi-judicial control bodies.

***COURSE CONTENT***

The first part of the course will address the following topics:

– Origin and evolution of the phenomenon of the international protection of human rights

– Individual interests and system of sources of international law.

– Human rights and contents of international law.

– Main systems for the protection of human rights at universal and regional level

– The guarantees of implementation of international human rights standards, with special reference to forms of individual appeal.

– International standards on human rights and state regulations (with particular reference to the Italian system).

In the second part of the course the following topics will be covered:

– State sovereignty and border control: theoretical framework of the immigration and asylum discipline in view of state law and migrant protection.

– The limits to the expulsion and refoulement of migrants in the jurisprudence of the European Court of Human Rights and other international judges and supervisory bodies. The principle of non-refoulement, the prohibition of collective expulsions and other procedural guarantees regarding expulsion.

– Migration by sea and the obligations relating to rescue at sea and the determination of the port of disembarkation.

– International and humanitarian protection measures: refugee status and other forms of protection.

– Cooperation with third states for the control of irregular immigration. Extraterritorial migration control measures.

***READING LIST***

*Non-attending* students can choose between two reading lists.

**1. Particularly recommended reading lists for students who have already taken the exam in Public International Law or intend to prepare the exam of Human Rights and Public International Law together:**

Pisillo Mazzeschi, *Diritto internazionale dei diritti umani*, Giappichelli, Turin, 2020, chapters from I to IV (from page 1 to page 177), and from chapter V (Fundamental human rights), section I (from p. 178 to page 192).

Zagrebelsky, Chenal, Tomasi, *Manuale dei diritti fondamentali in Europa*, Il Mulino, Bologna, 3rd edition, 2022 (only the second part, pp. 41-72), and the sixth part of chapter 22 (pp. 445-495).

A. Del Guercio, *La protezione dei richiedenti asilo nel diritto internazionale ed europeo,* Editoriale Scientifica, 2016: first part, paragraphs 1 and 2 (pages from 25 to 54); second part, paragraphs 1 and 2 up to 2.4.7 (pages from 120 to 199); third part, paragraphs 4 and 5 (pages from 293 to 384).

**2. Particularly recommended reading list for students who have not yet studied Public International Law:**

A. Marchesi, *La protezione internazionale dei diritti umani*, Giappichelli, 2021, chapters from I to V (pages 3-217)

Zagrebelsky, Chenal, Tomasi, *Manuale dei diritti fondamentali in Europa*, Il Mulino, Bologna, 3rd edition, 2022: sixth part, chapter 22 (pp. 445-495).

A. Del Guercio, *La protezione dei richiedenti asilo nel diritto internazionale ed europeo,* Editoriale Scientifica, 2016: first part, paragraphs 1 and 2 (pages from 25 to 54); second part, paragraphs 1 and 2 up to 2.4.7 (pages from 120 to 199); third part, paragraphs 4 and 5 (pages from 293 to 384).

For *attending* students

The reading list is based on case law and documents that will be analysed in class and made available for students on the Blackboard page of the course. Furthermore, especially during the first part of the course, the lectures must be supported by the study of selected parts of the textbooks recommended for non-attending students. The lecturer will provide more detailed information on this during classes.

***TEACHING METHOD***

The course will consist of classroom lectures, requiring the interactive participation of students. Topical issues will be constantly used as a starting point for legal analysis.

Since much of the case law analysed in class is written in English, some of the lectures will be held in English, and students will be invited to actively participate in class also in this language. The lectures in English will always be supported by written texts and distributed over both semesters. In order to facilitate the understanding and stimulate the active use of legal English, the lectures will be supported by practical activities, held both in English and Italian.

***ASSESSMENT METHOD AND CRITERIA***

The knowledge of the topics presented during the course and the students’ achievement of the intended learning outcomes will be assessed through oral exams. Students can decide to take the whole assessment on the same official exam date, or split it into two different parts: a first exam based on semester 1, followed by a second one focused on semester 2. Since the two modules are complementary, and in order to facilitate learning, students are invited to take the exams on the two modules on the same occasion, or at least within a short period of time.

For attending students, the assessment will also positively take into account the active participation in class and the results of any oral or written tests taken during the year.

Criteria for awarding the final mark

The overall final mark will be determined by the outcomes obtained in both modules.

Proficiency shown in the legal arguments, a critical vision of the topics addressed during the course and the ability to relate the various parts of the programme will contribute to the awarding of the mark.

Excellent marks will be awarded to students who demonstrate in-depth knowledge of all the topics covered, an organic view of the entire programme and the ability to use the knowledge acquired for a legally argued critical evaluation of current events; students must also demonstrate mastery of expression skills and the specific language.

Satisfactory marks will be awarded to students who demonstrate knowledge of all parts of the program, although in a synthetic form; correct but not particularly articulated analyses and/or a not always appropriate specific language.

Pass marks will be given to students who demonstrate basic knowledge of the exam material, and/or training gaps on limited non-fundamental parts of the programme.

Failing marks will be given in case of training gaps related to substantial parts of the programme, specific incorrect language, and lack of familiarity with the different topics covered.

***NOTES AND PREREQUISITES***

There are no prerequisites for attending the course and for taking the exam.

The lectures are held in such a way that even the first years students can succesfully attend. However, knowledge of constitutional law, European Union law and public international law facilitate understanding of the topics covered. In particular, the combined study of human rights and public international law is recommended due to the close interrelation between the two courses.

Further information can be found on the lecturer's webpage at http://docenti.unicatt.it/web/searchByName.do?language=ENG or on the Faculty notice board.