# Human Rights

## Prof. Francesca De Vittor

The course offers a general introduction to the international protection of human rights, combined with an in-depth study of specific issues relating to the protection of migrants and refugees through the study of relevant international and national jurisprudence.

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 theoretical and practical part of the course 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 the course, 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 during the theoretical lessons will be gradually applied and further analysed through the study of practical cases related to the protection of migrants and refugees. Practical lessons will be combined with theoretical lessons with the purpose of clarifying the issues addressed in a theoretical way through the study of concrete cases. The decision to select the cases addressed favouring the area of immigration and asylum law is aimed at providing an organic knowledge of this specific area. At the end of the cycle of lessons, 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***

General lessons will cover:

– 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).

The selection of cases for specific lessons on immigration and asylum law will allow to address the following topics:

– State sovereignty and border control: 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.

A. Calamia, M. Gestri, M. Di Filippo, S. Marinai, F. Casolari, Lineamenti di diritto internazionale ed europeo delle migrazioni, CEDAM, 2021, only the following parts: Capitolo I, La disciplina giuridica dei fenomeni migratori nel diritto internazionale; Capitolo IV, La protezione internazionale; Capitolo VI, La mobilità internazionale.

For *attending* students

R. Pisillo Mazzeschi, *Diritto internazionale dei diritti umani*, Giappichelli, Torino, 2020 (during lectures, the teacher will specify the parts of the manual to be studied and those that can be omitted or replaced by the study of the lecture notes).

The study of the manual must be suppemented with the examples of the cases studied in the classroom, which replace the further study part of the manual assigned to non-attending students.

***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.

The lectures will be supplemented with exercises aimed at understanding the proceedings before the European Court of Human Rights and at simulating the presentation and discussion of individual appeals before the court itself.

***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.

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

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 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.