



HUMAN RIGHTS AND INTERNATIONAL JUSTICE

Anno immatricolazione	2020/2021
Anno offerta	2021/2022
Normativa	DM270
SSD	IUS/13 (DIRITTO INTERNAZIONALE)
Dipartimento	DIPARTIMENTO DI SCIENZE POLITICHE E SOCIALI
Corso di studio	SVILUPPO ECONOMICO E RELAZIONI INTERNAZIONALI
Curriculum	PERCORSO COMUNE
Anno di corso	2°
Periodo didattico	Secondo Semestre (28/02/2022 - 31/05/2022)
Crediti	6
Ore	40 ore di attività frontale
Lingua insegnamento	English
Tipo esame	ORALE
Docente	RICCI CAROLA (titolare) - 6 CFU
Prerequisiti	<p>The Course requires:</p> <p>(i) proficiency in the English language at the level of the European standard C1 and</p> <p>(ii) the basic knowledge of the fundamentals of international law.</p> <p>For those who have never taken any exam in International Law, the following back-ground readings are recommended:</p> <p>1. V. LOWE, International law, OUP, Oxford, 2007, Chapters 2, 3, 4 and 5 or, alternatively also V. LOWE, International Law. A very short introduction, OUP, Oxford, 2015 (available in kindle format too);</p> <p>2. A. CLAPHAM, Human Rights. A very Short Introduction, OUP, Oxford, 2007, Ch. 1, 2, 3, 5, 7, 8;</p> <p>3. The readings can be complemented by listening to the following lectures, available at the website of the United Nations Audiovisual Library of International Law (http://www.un.org/law/avl):</p> <p>3.a: Judge Christopher Greenwood, "The Sources of International Law",</p>

at the following link:

http://legal.un.org/avl/ls/Greenwood_IL_video_2.html

3.b: Judge Thomas Buergenthal, "A Brief History of International Human Rights Law", at the following link:

http://legal.un.org/avl/ls/Buergenthal_HR_video_1.html

3.c: Mr. Kevin Riordan, "Basic Idea about International Criminal Law", at the following link: http://legal.un.org/avl/ls/Riordan_CLP_video_1.html

Obiettivi formativi

The course aims at exploring the tensions and congruences between human rights, international justice and the law, encouraging critical and creative thinking about challenges and solutions towards a higher degree of effectiveness of human right protection in practice. In particular, on successful completion of the course, the students will be able to: (i) recognize the nature of the different rights and obligations stemming out from human rights conventions and jus cogens rules; (ii) identify the specific rule of law applicable to hypothetical disputes and practical cases on human rights violations and to international crimes; (iii) analyze the case law rendered by existing international courts having jurisdiction over fundamental human rights' protection and the punishment of international crimes, in order to evaluate the degree of effectiveness of the rights of individuals as emerging subjects of international law; (iv) formulate, both individually and as member of a group, a well-organized assertion using proper juridical methodology and terminology in order to either assess or criticize a certain position with regard to a specific legal issue.

Programma e contenuti

The very first part of the course will be dedicated to a short refresh/introduction to the basics of international law (sources, subjects, limits to domestic jurisdiction) with the aim of preparing the class to tackle the main issue represented by human rights protection through the critical analysis of the relevant case-law. Starting from the potentially global level of protection of the individual (especially the 1966 Covenants), the investigation will be dedicated to the regional approaches (European, Inter-American and African systems) through the specific tool offered by the case-law scrutiny. To complete the framework depicting the individual as a possible new actor in the international arena who is also accountable for international criminal responsibility, the class will continue with an overview of the key substantive elements of international criminal and humanitarian law, followed by a survey of the institutional architecture employed to achieve accountability in different contexts. If time permits, the analysis will be complemented to the "judicial reaction" to the commission of international crimes by the ICJ, the International Criminal Tribunal for the Former Yugoslavia (ICTY), International Criminal Court (ICC) and the so called 'internationalized tribunals' such as the Special Tribunal for Lebanon.

The program will include the participation to either events organized at the University of Pavia with officials and experts of international institutions or to public hearings held before one or more of the above mentioned international courts (in the latter, subject to admittance by the relevant institutions).

Metodi didattici

The specific characteristic of the Course is its interactive nature based

on a 'learning by doing approach'.

All the attending students* are required to carry out all the compulsory readings in preparation for the classes and are expected to participate actively in discussions.

In particular, all WPIR students and formally enrolled non-WPIR students must satisfy three course requirements through: (i) active participation in class discussion, (ii) a presentation to the class of a specific decision among those selected by the teacher in the "case-law" section of each topic indicated infra in the Syllabus and, (iii) a final individual examination (oral).

(i) Class participation. Students are expected to participate actively in class discussions, both as individuals and as member of an assigned group (see ii), having read carefully the week's readings in due time for the class. Moreover, each group will be the "respondent" for a selected decision in order to counter-react to the presentation rendered thereof by another group (see also "case-law" sections indicated infra in the Syllabus after the Spring Break).

(ii) Class presentation, addressing a specific decision (see "case-law" sections indicated infra in the Syllabus) assigned by the teacher to groups defined after the second test (just before the Spring Break); therefore, each presentation will require active teamwork of all the students within the assigned group of students. Each group should examine an empirical case relevant to the course and its work should be informed by the theoretical categories reviewed in the course readings and classes. The presentation should also prove the capability of working in group and/or to critically discuss the approaches maintained by the courts.

(iii) Oral individual exam: each student will be required to study the content of the course (compulsory readings and cases assigned and discussed with and by classmates).

See under the section "Modalità di verifica dell'apprendimento" for further details on the different elements comprising the overall final evaluation.

Testi di riferimento

(i) FOR NON-WPIR STUDENTS NOT ATTENDING THE CLASSES:
Non-WPIR students not attending the classes will be required to prepare the following textbook:

(a) for Italian-speaking students one of the two following texts:

1. FOCARELLI C., *La persona umana nel diritto internazionale*, Il Mulino Bologna, 2013, or
2. ZANGHÌ C., PANELLA L., *La protezione internazionale dei diritti dell'uomo*, IV ed., Giappichelli, Torino, 2019.

(b) for English-speaking non attending students: TOMUSCHAT C., *Human Rights. Between Idealism and Realism*, Third edition, Oxford University Press, Oxford, 2014.

(ii) FOR ATTENDING STUDENTS.

The attending students are required to prepare all the assigned materials (including those indicated for the first part of the course on the refresh of the basics of international law relevant to the course) and all

	<p>the case-law presented by the professor and the groups during the second part of the course. All such materials will be available on the kiro platform.</p> <p>Complimentary materials will be added (as further readings) for those willing to improve their knowledge on specific issues: they will be granted the possibility to ameliorate their final grade during the oral performance.</p>
Modalità verifica apprendimento	<p>Oral exam for non-attending students: non-WPIR students not attending the classes are required to take the oral individual exam only; two questions will be asked: the first one on general theoretical issues, the second one on a more specific violation of human rights or on an international crime. Precision on the concepts, appropriate terminology, capability to apply the theoretical main issues to empirical cases will be the main criteria of evaluation of the students' performance.</p> <p>Attending students must satisfy three course requirements as described in the section dealing with 'Teaching Methodology' (under 'Metodi didattici') through:</p> <p>(i) Class participation: Class participation of the student as individual and as a member of the assigned group will comprise 25% of the final grade (composed equally by a 12,5% for the evaluation of the group participation to everyday class and as respondent, and a 12,5% for the evaluation of the individual participation, corresponding to grades of 4+4 on a scale of 32);</p> <p>(ii) Class presentation, addressing a specific decision: The quality of the presentation in terms of clarity, communicative effectiveness and capability to stimulate discussion among fellow students will be also evaluated. The presentation will be worth 25% of the final grade (corresponding to a grade of 8 on a scale 32).</p> <p>(iii) Oral individual exam: Precision on the concepts, appropriate terminology, capability to apply the theoretical main issues to empirical cases will be the main criteria for the evaluation of the students' performance; two questions will be asked: the first on the theoretical issues analyzed in class and dealt with the assigned obligatory readings and cases; the second question on one of the cases presented by other groups. This oral individual exam will be worth for 50% of the final grade (corresponding to a total grade of 16 on a scale of 32).</p>
Altre informazioni	<p>A study visit to the International Courts sitting in The Hague could be organised, in compliance with the applicable anti-COVID 19 rules and upon availability of the hosting International Organisations. Participation will be free but at the expenses of the attending students admitted.</p>
Obiettivi Agenda 2030 per lo sviluppo sostenibile	<p>2 (target 2.1); 5 (5.1); 6(6.1); 10 (10.2, 10.3, 10.7); 12 (12.1, 12.3); 16 (16.1., 16.2, 16.3, 16.6, 16.7, 16.8, 16.10, 16.a, 16.b); 17</p> <p>\$Ibl legenda sviluppo sostenibile</p>