



UNIVERSITÀ DEGLI STUDI DI PALERMO

DEPARTMENT	Giurisprudenza		
ACADEMIC YEAR	2021/2022		
MASTER'S DEGREE (MSC)	MIGRATIONS, RIGHTS, INTEGRATION		
INTEGRATED COURSE	LEGAL CLINIC - INTEGRATED COURSE		
CODE	20904		
MODULES	Yes		
NUMBER OF MODULES	3		
SCIENTIFIC SECTOR(S)	IUS/20, IUS/15, IUS/16		
HEAD PROFESSOR(S)	SCHIAVELLO ALDO	Professore Ordinario	Univ. di PALERMO
OTHER PROFESSOR(S)	SCHIAVELLO ALDO	Professore Ordinario	Univ. di PALERMO
	PARLATO LUCIA	Professore Ordinario	Univ. di PALERMO
	ZIINO SALVATORE	Professore Associato	Univ. di PALERMO
CREDITS	9		
PROPAEDEUTICAL SUBJECTS			
MUTUALIZATION			
YEAR	2		
TERM (SEMESTER)	1° semester		
ATTENDANCE	Not mandatory		
EVALUATION	Out of 30		
TEACHER OFFICE HOURS	<p>PARLATO LUCIA Monday 8:30 10:30 Piattaforma virtuale "Teams": in seguito alla prenotazione sul portale, gli studenti vengono chiamati singolarmente per un incontro. Il ricevimento, inoltre, può essere svolto in presenza dal martedì al venerdì, prima o dopo le lezioni (mart. 16-19 in "Aula G. Tranchina", merc. e giov. 14-16 in Aula 3, ven. 8-11 in "Aula G. Tranchina"), previo contatto via mail.</p> <p>SCHIAVELLO ALDO Wednesday 09:00 12:00 Dipartimento di giurisprudenza Piazza Bologna, 8, I piano- Stanza del Direttore del Dipartimento</p> <p>ZIINO SALVATORE Monday 08:30 10:30 Dipartimento di Giurisprudenza, via Maqueda 172, sezione Diritto Privato, piano primo, stanza prof. Ziino.</p>		

DOCENTE: Prof. ALDO SCHIAVELLO

PREREQUISITES	Basic knowledge of Italian constitutional law and sources of law. Basic concepts and terminology related to human rights.
LEARNING OUTCOMES	<p>Knowledge and ability of comprehension: knowledge of the history, methods and values of the clinical approach to legal education, by questioning limits and potentialities of law and the role of law and jurists with respect to the enhancement of social justice; Drawing from the work of the Legal Clinic for Human Rights based at the University of Palermo, students will also comprehend the active social role that University can take in a specific territorial context; Knowledge and comprehension of procedural law concerning migrants rights and international protection; Comprehension of the system of the Italian courts concerning migration rights and international protection; Full comprehension of the comparative method.</p> <p>Applying knowledge and understanding: Ability to use acquired theoretical and practical instruments to identify, in front of concrete cases, which human rights violations are in place and how to intervene; Ability to critically considering the notions of access to justice, legal certainty, hierarchy of laws, universality and equality of fundamental rights; Ability to evaluate the due process of law in trials regarding legal rights of migrants and international protection.</p> <p>Making judgments: Ability to develop a critical approach about some evolving legal dynamics of access/exclusion/differential inclusion with respect to the effectiveness of human rights; Ability to develop an autonomous reasoning, with regard to both socio-legal contemporary context and scholarly opinions; Ability to make autonomous assessment on issues concerning protection of migrants and international protection, with respect to Italian and international law.</p> <p>Communication: Ability to use appropriately foreign words and to use different communicating skills - either orally or in written - in order to illustrate a legal case of violation of human rights; Ability to communicate in a clear and exhaustive way, and to give reasons in support of ones' ideas properly and convincingly.</p> <p>Learning skills: Ability able to apply the specific learning methods of legal clinics in order to enhance and update their skills in professional contexts.</p>
ASSESSMENT METHODS	<p>Oral or written examination aimed at ascertaining the level of knowledge of the subject matters.</p> <p>The evaluation will unfold as follows:</p> <p>Excellent (30 - 30 cum laude): good knowledge of the topics, excellent property of language, excellent capacity of analysis ; the student is able to apply theoretical knowledge to real cases which are proposed to be analysed;</p> <p>Very good (26 - 29): good knowledge of the topics, good properties of language, good analytical capacity; the student is able to apply theoretical knowledge to real cases which are proposed to be analysed;</p> <p>Good (24 - 25): Basic knowledge of the main topics, good property of language, the student shows limited ability' to apply theoretical knowledge to real cases which are proposed to be analysed;</p> <p>Satisfactory (21 - 23): the student does not show that complete command of the main teaching topics, although showing to know the basic knowledge; he/she shows satisfactory property of language albeit with a poor ability' to adequately apply theoretical knowledge to real cases which are proposed to be analysed;</p> <p>Sufficient (18 - 20): minimal knowledge of the main teaching and technical language issues, limited or no capacity to adequately apply theoretical knowledge to real cases which are proposed to be analysed;</p> <p>Not sufficient: the student does not have an acceptable knowledge of the contents of the various topics on the agenda;</p>
TEACHING METHODS	Lectures and tutorial

MODULE THEORETICAL FRAMEWROK

Prof. ALDO SCHIAVELLO

SUGGESTED BIBLIOGRAPHY

- 1 Bloch, Frank, S. 2008. "Access to Justice and the Global Clinical Movement". Washington University Journal of Law & Policy 28: 111-139.
- 2 Bartoli, Clelia, 2016, "Legal clinics in Europe: for a commitment of higher education in social justice", a cura di Clelia Bartoli. Diritto & Questioni Pubbliche, Special issue.
- 3 Frank, Jerome. 1951. "Both Ends Against the Middle". University of Pennsylvania Law Review 100: 20-47.
- 4 Aiken, Jane H. e Wizner, Stephen. 2004. "Teaching and Doing: The Role of Law School Clinics in Enhancing Access to Justice". Fordham L. Rev 73: 997-1011.

AMBIT	21047-Attività formative affini o integrative
INDIVIDUAL STUDY (Hrs)	57
COURSE ACTIVITY (Hrs)	18

EDUCATIONAL OBJECTIVES OF THE MODULE

Students will gain a general knowledge of the history, methods and values of the clinical approach to legal education, by questioning the role of law and jurists with respect to the enhancement of social justice. Drawing from the work of the Legal Clinic for Human Rights based at the University of Palermo, students will be confronted with concrete case of legal interventions to defend fundamental rights of people experiencing conditions of exclusion and vulnerability, by also comprehending the active social role that University can take in a specific territorial context. To this end, students will acquire the necessary instruments to critically considering the notions of access to justice, legal certainty, hierarchy of laws, universality and equality of fundamental rights.

SYLLABUS

Hrs	Frontal teaching
6	The clinical approach to legal education: history and contemporary evolution across the world and in Italy.
Hrs	Workshops
6	From case law to institutional discrimination: violations of human rights and the role of law and jurists.
6	The Legal Clinic for Human Rights of the University of Palermo: Methodology, interventions, and case studies.

MODULE CIVIL JUSTICE

Prof. SALVATORE ZIINO

SUGGESTED BIBLIOGRAPHY

Guide on the case-law of the European Convention on Human Rights ,edited by the Council of Europe available at https://www.echr.coe.int/Documents/Guide_Immigration_ENG.pdf More material will be provided during the lessons. Altro materiale didattico sarà fornito nel corso delle lezioni

AMBIT	21047-Attività formative affini o integrative
INDIVIDUAL STUDY (Hrs)	57
COURSE ACTIVITY (Hrs)	18

EDUCATIONAL OBJECTIVES OF THE MODULE

To enable the student to examine and understand judgments concerning migrants and international protection, so as to give the students the necessary knowledge to support international organizations or other institutions operating in the same area of activity

SYLLABUS

Hrs	Frontal teaching
2	Italian consolidated act on migrants. Border controls and flows. The right to asylum and international protection. (Frontal lesson)
2	Italian civil judicial system. Jurisdiction on migration matters (Frontal lesson)
2	Proceedings on recognition of the right to asylum and international protection (Frontal lesson)
2	Case law of European Court of Justice concerning the right to asylum and international protection (Frontal lesson)
2	ECHR case law on asylum and international protection (frontal lesson)
2	ECHR case law on asylum and international protection (frontal lesson)
Hrs	Practice
1	Case study on Italian consolidated act on migrants (tutorial)
1	Case study on Procedural issues concerning migrants (tutorial)
2	Case study on the right to asylum and international protection (tutorial)
1	Case study on the right to asylum and international protection (tutorial)
1	Case study on the right to asylum and international protection (tutorial)

MODULE CRIMINAL JUSTICE

Prof.ssa LUCIA PARLATO

SUGGESTED BIBLIOGRAPHY

- M. Gialuz, The Italian Code Of Criminal Procedure: a Regarding Guide, in Gialuz, Luparia, Scarpa, The Italian Code Of Criminal Procedure: a Regarding Guide, Cedam, 2017, 17-55.
- M. Gialuz, The Implementation of the Directive on Linguistic Assistance in Italy, Between Changes to the Code of Criminal Procedure and Case-Law Resistance, in T. Rafaraci, EU Criminal Justice, Springer, 2019, 27-41.
- A. Mangiaracina, The Long Route Towards a Widespread European Culture of Alternatives to Immigration Detention, in European Journal of Migration and Law, 2016, 18, 177-200.
- V. Militello, A. Spena, Between Criminalization and Protection. The Italian Way of Dealing with Migrant Smuggling and Trafficking within the European and International Context, Brill, 2019, 24-52, 55-78.
- Global detention project, Country report. Immigration detention in Italy: complicit in grave human rights abuses?, in www.globaldetentionproject.org, October 2019, 7-33.

AMBIT	21047-Attività formative affini o integrative
INDIVIDUAL STUDY (Hrs)	57
COURSE ACTIVITY (Hrs)	18

EDUCATIONAL OBJECTIVES OF THE MODULE

To enable the student to examine and understand judgments in the field of migrants law and international protection, as well as to provide students the necessary knowledge to support international organizations or other institutions operating in the field of migration.

SYLLABUS

Hrs	Frontal teaching
2	Supranational and national law: in particular, the consolidated act on migrants. Main institutes concerning criminal proceedings.
2	The criminal judicial system. The criminal trial of the foreigners: appointed by the State and lay judges.
2	Foreign person under investigation/accused and victim. The right to information and participation in criminal proceedings.
2	Interpretation and translation of documents.
2	The protection of personal freedom and several types of expulsion.
2	The executive stage and alternative measures to detention.
Hrs	Practice
1	Case law examination on: the main moments of the criminal proceedings on illegal migration.
1	Case law examination on the topic: the "direct judgment" for the foreigners before the Justice of the peace.
2	Case law examination on the topic: the right to the legal and linguistic assistance. Legal counsel/ judicial act.
1	Case law examination on the topic: Habeas corpus, arrest without "flagrante delicto status" and expulsion during the criminal proceedings.
1	Case law examination on the topic: the expulsion in the executive stage and the "traditional" alternative measures to detention.