

Winter School 2020

Rights and Procedures

Palermo, 17-21 February 2020

The PhD Programmes in “Human Rights: Evolution, Protection and Limits” and “Legal diversity. Ancient and current perspectives”, in collaboration with the Jean Monnet 2019 project, “Europe between Mobility and Security: the challenges of illicit trades in the Mediterranean Area”, organize the Winter School entitled: *Rights and Procedures* (hereinafter: Winter School).

INTRODUCTION – KEY ISSUES

The 2020 Winter School will be devoted to the issue of the protection of rights through the procedures, the latter understood in the broadest sense of the term, which covers the complex of procedural rules in the various fields, international and internal, civil and criminal; but also includes the articulation of the administrative procedure as an obligatory form of exercise of the public power; until considering its distortive effects and therefore the profiles related to the abuse of rights.

The approach to the issue of procedures will initially be very broad, including the general categories of law and human rights in particular, to enable the identification of the main complexities that animate the debate. Theoretical reflection will be enriched through the empirical experience of the legal clinics, as spontaneous and participatory instruments that allow, among other things, to compensate for the lack of protection typical of today’s legal systems, providing concrete support to vulnerable individuals.

In the following days, the crucial questions outlined above in general terms will be the subject of specific studies, ideally linked by the question that animates this moment of confrontation and that tends to consider how the system of rules regulating processes and procedures (in the broadest sense mentioned and in the different areas considered) affects access, exercise and guarantee of human rights.

OBJECTIVES AND TOPICS

To map and deal with the issue from the different angles in part already hatched, the days of the Winter School will be articulated in five main sections:

1. *Rights Protection and International Procedures.* The international arena is perhaps the clearest example of the interaction between rights and procedures. In supranational law, in fact, the protection of legal positions has gone through a slow and constant process of creating procedures to give substance to a right that has often lacked cogency. The protagonists of this section come mainly from international jurisdictions, in order to better understand the practice of applying supranational processes, techniques and instruments of protection. On the other hand, the relations between internal and external order and the mechanisms of protection and reception of foreigners can offer useful points of reflection on the concrete forms of individual guarantees.
2. *Rights Protection and Trials.* Criminal and civil proceedings are at the heart of a specific session, as well as the alternative dispute resolutions. Can substantive law and procedural profiles really be understood autonomously? The idea is to trace a circular relationship between the static and the dynamic dimensions of law, in a unitary vision that nevertheless raises countless questions that accompany the path through which the individual through the initiation of the judicial action leads to the judgment. The path continues and also involves the aspects after the judgement. In fact, the procedures also accompany the execution of the judgements. Precisely at this stage the tension between law and human dignity is manifested, in particular, in that form of execution which is prison detention.

3. *Rights Protection and Public Power*. Does the public authority need procedures, or are these a limit to its fulfilment? This session will examine the complex relationship between the exercise of authoritative functions and the protection of rights. And today this complex relationship must be considered in the light of the disruptive use of automated procedures: algorithms and power are mixed in new object of study, “the automated administrative procedure” protagonist of a special session of works.
4. *The dark side of law*. The theory of human rights has allowed in its history the affirmation of an axiomatic vision of law, based on the protection of the individual as such. The aim of this last session is to examine critically this vision in order to grasp the grey areas of the legal system, where the complexity of the rules risks becoming an instrument of violation of rights. The theme will receive a focus on tax law.

METHODOLOGY

Two sessions will be held every day. A specific topic will be discussed from various theoretical and practical perspectives, with the aim of achieving an effective integration of methods and solutions. The speakers will suggest materials to be read in advance to prepare participants to address the topics under discussion, facilitating greater involvement and a more fruitful discussion on the topics covered. After each seminar, a PhD candidate’s discussant will open and facilitate the debate.

WORKING LANGUAGES

The working languages will be English, Italian and French according to the speakers' preferences and the characteristics of the audience.

APPLICANTS, CONDITIONS FOR ADMISSION AND CERTIFICATE OF ATTENDANCE

As provided by the *Regolamento per l'attivazione di Corsi Internazionali di Studi Avanzati "Summer and Winter School"* of the University of Palermo, the Winter School is open to students holding a Master degree or a Ph.D., as well as Ph.D. students and researchers who are interested in the subjects, and have a good background knowledge of the topics discussed in the course. **No more than 40 applications will be accepted.** Among them, at least 15 participants will be selected among applicants from other Italian or foreign Universities. Only if less than 25 people apply, more applications from the University of Palermo will be considered. The Winter School is open also to undergraduate students enrolled in Italian Universities, and who are working on their final dissertations (towards the end of their curriculum). However, no more than 10 undergraduate students will be accepted to the Winter School. The selection of those candidates will be based on their CV and motivation letter. The minimum number to activate the Winter School is 15 candidates. Every candidate must fill in the attached form and attach their CV to their application. The selection of candidates will be necessary if more than 40 (forty) applications have been received, and it will be based on the candidates' CVs and letters of motivation. The scientific committee will prepare a waiting list. In case the admitted students withdraw, the students in the waiting list will be admitted in their place.

GENERAL INFORMATION AND FINAL CERTIFICATE

The Winter School is composed of two different parts. In **the first part**, participants will study the reading materials – articles adopting both a theoretical and practical approach, court decisions, official reports – that will be uploaded on the website of the Ph.D. program in “Human Rights” at least two weeks before the beginning of the School. **The second part** will see the participants engaged in lectures by speakers from Italian and foreign universities and in discussions, Q&A based on the lectures and on the reading materials, and in Workshops led by experts on the relevant topics.

The second part of the School will be held in Palermo, Italy, at the **Dipartimento di Giurisprudenza – Sezione “Diritto e Società” – Piazza Bologna 8, second floor, DirittiUmani classroom**. Lectures will be held from 9 a.m. to 7 p.m.

Students will have full and free access to the library of the Department of Law. The students who will attend at least 90% of the seminars will receive a certificate, corresponding to 6 ECTS, after passing a test. Access to the Wi-Fi network of the University of Palermo will be allowed following a written request to be submitted at least two weeks before the beginning of the Winter School to Andrea Fattorini (email: andrea.fattorini@unipa.it).

The Winter School is interdisciplinary.

ENROLMENT AND FEES

Prospective participants will find the Application form attached to this Call. Applicants can fill in the Application form in English, French, Italian or Spanish according to their preferences.

The application should be sent jointly with a CV, a copy of the degree certificates, a copy of a valid ID, and the proof payment of the registration fees (and, for undergraduates, a letter of motivation). The application, together with the supporting documents, must be received by 31/01/2020.

Prospective candidates should send their application to the following address:

Dipartimento di Giurisprudenza

Piazza Bologni, 8
90134 Palermo, Italy

[Please write down on the outside of the envelope: "Rights and Procedures, Winter School"].

Alternatively, please send the application form, along with the documents mentioned above via e-mail at the following address: teresa.affatigato@unipa.it

The payment of **registration fees of € 250,00** includes the inscription to the School, the reading materials, the final certificate, and the insurance cover.

Students of the following courses are exempt from the payment of registration fees: Master in Legal theory, European Academy of Legal theory (University of Frankfurt); PhD Programmes in Human Rights: Evolution, Protection and Limits” and “Multiple legal systems. Ancient and current perspectives”.

Registration fees shall be paid to the Università di Palermo bank account

IBAN: IT 09 A 02008 04682 000300004577

SWIFT/BIC code: UNCRITMMPAE

UNICREDITS.p.A.

Via Roma 185, Palermo, Italia.

Causal transfer: “Rights and Procedures 17-21 febbraio 2020”.

More information about the payment of pre-inscription fees and registration fees (in particular the payment procedure) will be made available on these websites:

<https://www.unipa.it/dipartimenti/di.gi.>

HOUSING AND MEALS

Participants who are not residents in Palermo can rent a **room** at the ERSU Palermo – Ente Regionale per il Diritto allo Studio Universitario - at cheap rates. All participants will have access to **University canteens** (offering meals at very cheap rates).

For further information on housing and meals, please contact Ms. **Teresa Affatigato** (teresa.affatigato@unipa.it)

CONTACTS

For further information on the Winter School, please contact:

Dr. Andrea Fattorini (andrea.fattorini@unipa.it)

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For further information, please visit:

<https://www.unipa.it/dipartimenti/di.gi.>

WINTER SCHOOL
Rights and Procedures

Monday 17 February 2020

Rights and Procedures

10:30

Welcome and Introduction

Isabel Trujillo, Giuseppe Di Chiara, Maria Cristina Cavallaro, Federico Russo

11:00

Opening session: The Rule of Law and Legality

Timothy Endicott (University of Oxford) tbc

14:00-16:00

Chair: Clelia Bartoli

Legal clinical education and the concept law

Aldo Schiavello

Palermo Legal Clinic (Cledu) on Protection of Migrants

Serena Romano

Tuesday 18 February 2020

Rights Protection and International Procedures

10:30-12:30

Chair: Massimo Starita

Rights and Trials in International Law

Salvatore Zappalà (University of Catania)

Stefania Forlati (University of Ferrara)

Andrea Saccucci (Second University of Naples)

14:00-16:00

Chair: Antonella Sciortino

Legal protection of Foreigners

Paolo Bonetti (University of Milano Bicocca)

Title tbc

Licia Siracusa

Wednesday 19 February 2020

Rights Protection and Trials

10.30-12.30

Chair: Federico Russo

Truth Duty in Trial

Marco Gradi (University of Messina)

Protection des parties et libre jugement du juge au procès civil
Girolamo Monteleone

14:00-16:00

Chair: Giuseppe Di Chiara

Protection of Immates Rights

Giovanni Fiandaca

Emanuele Nicosia

Thursday 20 February 2020

Rights Protection and Public Powers

11:00

Chair: Rosalba Alessi (tbc)

Automatized Procedures and Rights Protection

Stefano Civitarese Matteucci (University of Chieti)

Enrico Camilleri

14:00-16:00

Chair: Maria Cristina Cavallaro

Public Power, Rights and Procedures

Luca Perfetti (University of Bari)

Massimo Monteduro (University of Salento)

Friday 21 February 2020

The Dark Side of Law

10:30-12:30

Chair: Daria Coppa

Abuse of Rights

Vito Velluzzi (University of Milano)

Abuse of Tax Law

Giuseppe Zizzo (University Carlo Cattaneo)

14:00

The Right to Good Administration in Tax Law

Fabrizio Amatucci (University of Naples Federico II)