

# Università degli Studi di Palermo



*Scuola delle Scienze giuridiche ed economico-sociali*  
*Dipartimento di Giurisprudenza*  
*Dottorato di ricerca in “Diritti umani: evoluzione, tutela e limiti”*  
*Universitat de Valencia, Departament de Filosofia del Dret i Política*  
*European Academy of Legal Theory di Bruxelles*  
*LL.M. in Legal Theory, Johann Wolfgang Goethe Universität Frankfurt*

Winter Course

## **The dark side of human rights** 19th-23rd February 2018

The Winter Course on Poverty, Development and Human Rights (hereinafter: Winter Course) is organized by the 'University of Palermo's PhD Program on Human Rights' in its XXV<sup>th</sup> anniversary, jointly with the Universitat de Valencia, Departament de Filosofia del Dret i Política (academic partner of the International PhD Program on Human Rights), The European Academy of Legal Theory, Brussels, and LL.M. in Legal Theory, Johann Wolfgang Goethe Universität Frankfurt

### INTRODUCTION – KEY ISSUES.

In the last 25 years we witnessed a well-known phenomenon: the multiplication or inflation of the number of claims that are supposed to be part of the catalogue of “human rights”. This inflation has produced a “crisis” (or a dark side) of the discourse on human rights, as intangible, inalienable and universal claims. Behind the appearance of a universal agreement on the content of the catalogue of human rights, many unescapable questions remain unresolved, or even unaddressed: i.e.

constitutional provisions on the guarantee of social rights, the control of international capital flows, the protection of cultural minorities, the trade-off between economic development and fundamental rights, the scope of governmental intervention in education and health care.

Neither international relations nor international law escape this crisis. Military interventions and economic sanctions in the name of the responsibility to protect have at times produced serious side effects, including state failure (Libya) or the deterioration of living conditions of civilians.

Likewise, human rights have at times been instrumentally used by Western governments to legitimize their claims.

The question of the clash among rights is unescapable also at the domestic level. For instance, in the health sector, legislators face a dilemma when it comes to intellectual property rights. The higher the cost of the drug, the lesser the number of people who can afford to buy it. But the lesser the cost, or the weaker the guarantee of intellectual property rights, the smaller the investment in research and development, and therefore innovation. Another example of clash of rights is the increasing use of conscious objection as a legal strategy for claiming a sort of “moral privacy” or

immunity against legal norms that impose duties. The risk is that vulnerable groups, such as pregnant women or children that for medical reasons cannot be vaccinated, pay the costs of objectors' preferences.

At the same time a fruitful dialogue among philosophers, lawyers and economists has started about the construction of "indicators" that could help evaluating from different points of view the success or failure of development and social policies. From this point of view, the well-known capability approach seems to be a fruitful instrument to evaluate the effectiveness of development and social policies in reducing situations of vulnerability.

From this perspective, realistic but not sceptic, we try to show the "dark side of human rights": the use of rhetoric arguments in political justification, the constant weakening of the legal guarantee of social rights, the imposition of economic recipes more and more "business friendly". On the other hand, we intent to provide theoretical pathways that might offer some, at least partial, solutions to the key issues that were mentioned before.

The Winter Course is part of the activities of the National Investigation Project PRIN 2015.

## OBJECTIVES AND TOPICS

The question of the "dark side of human rights" will be examined from a multidisciplinary outlook in which political, legal and economic analysis overlap.

The issues that will be addressed are the following:

- 1) Can we accept war as a legitimate means to stop massive violations of human rights?
- 2) Are "failed states" a threat to human rights?
- 3) Which notion of "economic development" can be coherent with the comprehensive defense of the catalogue of human rights?
- 4) In which way does free circulation of capitals and goods harm the defense of human rights?
- 5) Can some interpretations of conscious objection make people in need more vulnerable?
- 6) Which set of human rights must be taken into account in order to evaluate the failure or success of development policies?
- 7) Is surrogate motherhood an expression of individual liberty or a new form of exploitation?
- 8) Which risks does the practice of tax resistance entail in terms of human rights guarantee?
- 9) Is resilience a quality of social groups to be enhanced, or is it a new way to impose unilaterally economic recipes to populations in needs?

## METHODOLOGY

Each day two or three seminars will be held. On each day a specific topic will be discussed from various theoretical and practical perspectives, aiming at achieving an effective integration of methods and solutions. In order to encourage a proactive participation, participants will be engaged in a workshop on the topic discussed in each seminar session, with the support of the suggested and provided bibliography.

## WORKING LANGUAGES

The working languages will be English, Spanish and Italian.

## APPLICANTS, CONDITIONS OF ADMISSION AND CERTIFICATE OF ATTENDANCE

As established by the Regolamento per l'attivazione di Corsi Internazionali di Studi Avanzati Summer and Winter School of the University of Palermo, the Course is open to students holding a 1st or 2nd cycle degrees (ita. laurea triennale or laurea specialistica), a first or second level Master degree, PhD students, PhD's and researchers with an interest in the topic and able to grasp the subject matters of the courses. No more than 30 applications will be accepted, and at least 15 participants will be selected among applicants from other Italian or foreign Universities. Should less than 15 people apply, more applications from the University of Palermo will be taken into consideration. The Course is open also to University students that have acquired a minimum of 120

CFU. However, no more than 10 current University students can be accepted to the Summer Course. Their selection will be made based on their CVs and letters of motivation. The Summer Course will not take place in case less than 15 applications are received.

Every applicant shall fill in the form here attached, adding his/her CV. Should a selection be necessary (more than 30 applications) the scientific committee will publish a list of accepted candidates and a reserve list. Students from the reserve list will be contacted in case of withdrawal of accepted candidates.

10 extra positions will be added for applicants from Colombian, Peruvian and Brazilian universities.

#### GENERAL INFORMATION AND FINAL CERTIFICATE

The Summer Course is composed of two different parts. In the first part, participants will have to study the reading material – theoretical and practical articles, court decisions, official reports – that will be provided through the website of the PhD program in “Human Rights: Evolution, Protection and Limits” at least two weeks before the beginning of the Course. The second part will see the participants engaged in lectures by speakers from Italian and foreign universities, and in discussions and Q&A based on the lectures and on the reading material.

The second part of the Course will be held in Palermo, Italy, at the Dipartimento di Giurisprudenza – Sezione “Diritto e Società” – Piazza Bologna 8. As the program shows, lectures will be held from 9 a.m. to 2 p.m. and from 3 p.m. to 7 p.m.

Participants will have full access to the Law department (Dipartimento di Giurisprudenza) Library. Students who will attend at least 90% of the seminar hours will receive a certificate, corresponding to 6 ECTS, after passing a test.

#### ENROLMENT AND FEES

Attached to this Call, a model of the Application form can be found (it is in English, but it can be filled out also in French, Italian or Spanish).

The application should be sent (and received also by email) not later than **20 of January 2018**, jointly with a CV, a copy of the degrees obtained, a copy of a national ID, and a copy of the payment of registration fees (and, for current University students, a letter of motivation), to the following address:

Dipartimento di Giurisprudenza  
Piazza Bologna, 8  
90134 Palermo, Italy

(also write down on the outside of the envelop: “The dark side of human rights. Winter course 2018”).

The application form, along with the documents above mentioned, can be sent, also, by e-mail at [teresa.affatigato@unipa.it](mailto:teresa.affatigato@unipa.it).

The payment of registration fees of 200,00€ includes the enrolment in the Course, the reading material, the final certificate, and the insurance cover.

Students of the II. Level Master in Global Rule of Law and Constitutional Democracy (University of Genoa) may enroll in the Summer Course at a discounted rate of € 150,00.

The registration fees shall be paid to the Università di Palermo bank account

IBAN: IT 09 A 02008 04682 000300004577

SWIFT/BIC code: UNCRITMMPAE

UNICREDIT S.p.A.

via Roma 185, Palermo, Italia.

Causal transfer: “The dark side of human rights. Winter course 2018”.

More information about the payment of pre-enrolment fees and registration fees (in particular the payment procedure) will be found on the website:

<https://www.unipa.it/dipartimenti/dipartimentogiurisprudenza/>

#### HOUSING AND MEALS

Participants not residing in Palermo can rent a room at the ERSU Palermo – Ente Regionale per il Diritto allo Studio Universitario, at very cheap rates. All participants will have access to University canteens (at very cheap rates).

For further information, please contact the Sig.ra Teresa Affatigato ([teresa.affatigato@unipa.it](mailto:teresa.affatigato@unipa.it))

#### CONTACTS

For further information, please contact:

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#### DIRECTOR OF WINTER COURSE

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## SCIENTIFIC BOARD

Jesús Ballesteros (Universitat de Valencia); Vicente Bellver (Universitat de Valencia); Francesco Biondo (Università di Palermo); Encarnación Fernández, (Universitat de Valencia); Antonio. La Spina (Università Luiss, Roma); Serena Marcenò (Università di Palermo); Carla Monteleone (Università di Palermo); Federica Nogarotto (Medici senza frontiere); Maria Pierro (Università della Insubria); Isabel Trujillo (Università di Palermo); Caterina Ventimiglia (Università di Palermo).

## FURTHER INFORMATION

<https://www.unipa.it/dipartimenti/dipartimentogiurisprudenza/>

## PROGRAM OF THE WINTER COURSE (19th-23rd FEBRUARY 2018) <sup>1</sup>

19th February

10am

Human rights and war. The missing right to peace, Isabel Trujillo (Università di Palermo)

15 pm

Humanitarian law, Human rights law, laws of war. Convergences and conflicts from the point of view of NGOs, Federica Nogarotto (Medici senza frontiere).

20th February

10 am

Finanza e diritti umani, Jesús Ballesteros (Universitat de Valencia)

15 pm

Maternidad subrogada: delito o derecho?, Vicente Bellver (Universitat de Valencia)

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<sup>1</sup> Changes of scheduled conferences are possibile

21st of February

10 am

Estados fallidos y violación de los derechos humanos, Encarnación Fernández, (Universitat de Valencia)

15 pm

Obiezione di coscienza e vulnerabilità; una spiacevole conseguenza della nozione di “privacy morale”; Francesco Biondo (Università di Palermo)

22nd of February

10am

Human rights as a divisive issue in the UN Security Council, Carla Monteleone (Università di Palermo)

15pm

Le sfide della povertà mondiale e i diritti umani, A. La Spina (Università Luiss, Roma)

23rd of February

9am

Diritti sociali e garanzie di effettività tra crisi economica e prestazioni pubbliche, Caterina Ventimiglia (Università di Palermo).

11 am

La disobbedienza fiscale, Maria Pierro (Università dell’Insubria).

15 pm

Reducing vulnerabilities and building resilience. Il paradigma del capacity-development nella cooperazione internazionale allo sviluppo, Serena Marcenò (Università di Palermo).

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WINTER COURSE

**The dark side of human rights.**  
**Palermo 19th-23rd of february 2018**

To the Director of the Dipartimento di Giurisprudenza Prof. Aldo Schiavello  
Address: Piazza Bologni, 8 - 90144 PALERMO, Italy

I, the undersigned (First name) \_\_\_\_\_ (Family name) \_\_\_\_\_, born  
on (DD/MM/YY) \_\_\_\_/\_\_\_\_/\_\_\_\_ in (Town, State) \_\_\_\_\_  
resident in (Town, State) \_\_\_\_\_, having obtained (title of the  
degree)/ enrolled in the last year of a 1st/2nd level Master degree in (title of the master course)

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HEREBY APPLY

to the WINTER COURSE on 'The dark side of human rights' which will be held in Palermo, Italy  
from 19th-23rd of june 2018.

Documents attached:

- curriculum vitae et studiorum;
- copy of the degrees obtained or of the certificate of enrollment in the last year of a 1st/2nd level Master degree (for undergraduate students: an auto-certificate of having obtained at least 120 CFU and a letter of motivation);
- copy of a valid National ID or Passport;
- copy of the receipt for payment of the inscription fee amounting to 200,00 EUR

Please indicate if you need to stay at the university residences ERSU.

Date and signature