

Programma di mobilità internazionale CTLS-GEORGETOWN

Corsi a.a. 2019-2020

Elenco corsi e apparentamenti per aree disciplinari - Approvazione Consiglio di Dipartimento del 14 Novembre 2019

La conversione degli esami sostenuti dagli studenti dell'Università di Torino avverrà secondo una proporzione che vede 6 CFU per 3 crediti CTLS e 9 CFU per 4 crediti CTLS e analogamente per multipli o frazioni, salvo diversamente previsto dalla tabella sotto indicata.

La valutazione degli esami sarà basata, in ordine decrescente su 8 voti positivi (5, 4.5, 4, 3.5, 3, 2.5, 2, 1.5) e 1 voto (1) di non sufficienza.

La conversione sarà basata sull'equivalenza

5 = 30 e lode

4.5 = 30

4 = 29

3.5 = 28

3 = 26

2.5 = 24

2.0 = 22

1.5 = 20

1 = non superato

Core Course

3 Crediti CTLS: convertibili in qualunque materia a scelta libera o a scelta di rosa da 6 CFU

Transnational Law Colloquium and Lectures in Transnational Justice

1 Credito CTLS (= 2 CFU): da abbinare a materie da 2 Crediti CTLS (= 4 CFU) per ottenere il riconoscimento di una materia da 6 CFU

Global Practice Exercise

1 Credito CTLS (= 2 CFU): da abbinare a materie da 2 Crediti CTLS (= 4 CFU) per ottenere il riconoscimento di una materia da 6 CFU

LISTA CORSI A SCELTA E RELATIVI APPARENTAMENTI

Spring 2020 - Elective Courses

Corporate Taxation Law and Policy

Stephen Daly and Ann Mumford, The Dickson Poon School of Law, King's College London

4 CFU: all'interno dei SSD IUS/12, IUS/04, IUS/05o in materia a scelta

Every person and entity ought to contribute their fair share to the burden of public finances, but how exactly this comes to be in practice is a complex matter. The purpose of this course is to understand how corporations are taxed. In the UK, tax laws change from year to year. Additionally, there can be significant differences between tax systems in different countries. This course, thus, adopts a theoretical and principles-based approach to understanding corporate taxes. For it is only when we know why we are acting the way that we are that we can understand how we ought to calibrate the tax system. The question of how corporations are taxed is not only of fundamental importance for the economy, but also broader issues of justice.

Students by the end of this course will not only have a practical understanding of how corporations are taxed, but also a broader appreciation of the commercial, philosophical and economic issues that underpin the tax system, thereby giving them the vocabulary and knowledge necessary to understand the commercial world.

Evaluation: Class presentation (20%), Summative essay (80%).

Diplomatic Consular Law and Practice

Jordi Sellarés Serra, ESADE Law School

4 CFU: all'interno dei SSD IUS/13, IUS/19, o in materia a scelta

Overview of the evolution of the legal regulation of diplomatic and consular relations, from its historic origins, to the several Vienna Conventions (1961, 1963), and practice that has followed. Reason for privileges and immunities, and their future eventual evolution. Recent cases, either from the press or from jurisprudence (International Court of Justice included), from throughout the World, will offer a wide base for discussion, where the different systems for receiving international law into

national legal systems (monism & dualism) will also be discussed. Readings offered to students to prepare each session, which will be introduced with a global explanation of the main aspects of the lesson. Many sessions will be focused on studying how the practice by States opens new prospects. If possible, visits to Embassies and consulates in London will be arranged, and a movie session will be offered, with many different scenes of movies and TV series referred to diplomatic and consular issues. As evaluation, students will be required to prepare a final report on a mock case.

Evaluation: Class participation (20%), Visits and external activities (10%), Take-home case (70%).

Economic Analysis of Law

Yehonatan Givati, Israel Institute/Hebrew University of Jerusalem

4 CFU: all'interno dei SSD IUS/01, IUS/02, IUS/05 o in materia a scelta

Law and economics is one of the most influential schools of thought in modern law. The ideas propounded by the economic analysis of law are gaining increasing traction in court decisions and in legal policy. This course will examine the major contributions of law and economics in contract, tort and property, as well as in other areas of law that may not initially appear to be amenable to economic reasoning. The course will also introduce students to basic tools from economics that are useful for all lawyers, regardless of specialty. The course does not require any background in economics, and is designed to be fully accessible to all students.

Evaluation: Attendance and class participation (20%), Final take-home exam (8 hours) (80%).

International Agreements to Protect Children

Wallace Mlyniec, Georgetown Law Center

4 CFU: all'interno dei SSD IUS/13, IUS/17 o in materia a scelta

All nations believe they have a duty to protect children within its borders. Although the family law and the law regarding children are generally thought of as purely domestic concerns, some parent and child activities and some criminal enterprises involving children cross borders. As such, bilateral, regional, and multilateral treaties exist to protect children who move from nation to nation. Some agreements also attempt to control purely domestic concerns. Moreover, the general acceptance of U.N. sanctioned human rights initiatives has culminated in the Convention on the Rights of the Child, a treaty that has been ratified by every nation in the world except the United States.

This seminar will focus the emergence of international agreements concerning children, explore the legal and philosophical relationships between children and parents and between families and nations and consider the principal critiques made of these instruments. It will also probe the difficulties of using these instruments to protect children and enhance their well-being. Specific topics covered will be the place of children in the international order, juvenile justice systems, unfair labor practices

concerning children, kidnapping and trafficking, the role of children in armed conflict, and child migrants. It will also explore advocacy on behalf of children by international human rights lawyers, nongovernmental organizations, and international bodies.

The required textbook for this course is Trevor Buck, *International Child Law*, 3rd edition.

Evaluation: Attendance and class participation (20%), Research paper (4,000 words) (80%).

International Commercial Arbitration

Jordi Sellarés Serra, ESADE Law School

4 CFU: all'interno dei SSD IUS/04, IUS/13, IUS/15 o in materia a scelta

Overview of the international commercial arbitration, explaining the theories about its legal nature (contract or procedure), their different types (institutional, ad hoc, between States or companies, etc.), institutions, advantages and disadvantages, court collaboration needed, procedure, laws to apply, incidents (Kompetenz/Kompetenz, IBA criteria to help in assessing arbitrators independence, discovery or not, etc.), partial and final awards, execution and recourses against the award. Readings offered to students to prepare each session, which will be introduced with a global explanation of the main aspects of the lesson. More research might be required of those awards published –most of the arbitration is confidential-, such as those available in the ICSID or Iran-US Claims Tribunal, or new cases made public by the parties. Specific attention will be paid to investment arbitration and Spain and their renewable energy cases will be used as examples. A session might be offered by staff of international arbitration institutions to know directly their personal experiences. Perhaps a visit from someone from the Secretariat of ICC International Court of Arbitration and a visit to the London Court of International Arbitration will be arranged. Students will be required to prepare a draft award in a mock case, and a sort of moot court of that case will be played by the students in the final class.

Evaluation: Class participation (20%), Visits and external activities (10%), Take-home case (70%).

National and Transnational Remedies for Violations of Human Rights

Kent Roach, University of Toronto

4 o 6 CFU: all'interno dei SSD IUS/08, IUS/13, IUS/20 o in materia a scelta

This course will examine remedies available for the violations of human rights in a number of domestic and supra national legal systems. Topics to be examined include the American experience with complex relief in school desegregation and prison reform cases; declarations of incompatibility under the UK's Human Rights Act, 1998; the award of suspended declarations of invalidity in Canada and South Africa; remedies with respect to health care, remedies with respect to police behaviour and the award of just satisfaction damage awards and the pilot judgment procedure of the European Court of Human Rights. Transnational issues will be examined in the context of how

various courts provide indirect remedies for human rights violations primarily caused by other states with specific attention to violation of rights in the national security context, including those arising from military detention at Guantanamo Bay and listing as a terrorist. The course will also explore whether there is or should be a difference between the remedial process employed in domestic and supra-national law.

Evaluation: Class participation (25% including 4, 1-2 page reaction papers to be emailed to instructor before 6pm the day before the seminar), Research paper (4,000 words) (75%).

ONE-PLUS OPTION:

For 1 extra credit, a limited number of students who need to fulfill a graduation requirement at their home university may write a major research paper. To obtain the extra credit, the student must (a) turn in a written outline of the paper for faculty comment relatively early in the semester, (b) turn in a complete first draft for faculty comment two-thirds of the way through the semester, and (c) write a paper of 6,000 words, not including footnotes.

Please note that this course **has not yet** been approved as a WR course for Georgetown students.

Tax Authority Powers and Taxpayer Rights

Stephen Daly, The Dickson Poon School of Law, King's College London

4 CFU: all'interno dei SSD IUS/12 o in materia a scelta

Taxes are fundamental to the sustainability of civilised society and foundational in the relationship between the citizen and the State. But hidden behind these self-evident truths is the need to actually collect the taxes prescribed by law as due. For the collection of taxes to be effected there is a need for the establishment of a public body tasked with managing compliance with the tax code. In a world without fraud or negligence, taxpayers simply give the money due to this tax authority. In the real world however tax authorities must be equipped with powers to ensure that taxes are collected. How intrusive these powers should be is a difficult question to answer. The converse question is how broad the rights of taxpayers should be. This course seeks to tease out the relationship between tax authorities and taxpayers in terms of their respective powers and rights.

Evaluation: Class presentation (20%), Summative essay (80%).

The Law of Artificial Intelligence

Ugo Pagallo, University of Torino

4 CFU: all'interno dei SSD IUS/20 o in materia a scelta

The increasing role of technology in humanity raises constant major challenges to law in a variety of moral, theoretical and doctrinal dimensions. The purpose of this course is to analyze current developments in the fields of Artificial Intelligence ('AI') and robotics through the prism of legal regulation and/or vice versa (analyzing legal regulation through the prism of AI and robotics). Along with discussing the interface of law and technology through a variety of critical theoretical perspectives, the course will focus on specific topics and case studies as "laboratories" for assessing contemporary approaches to law & technology. The topics to be discussed include a new generation of AI crimes, risk regulation in the fields of autonomous vehicles and data protection, up to the current debate on the legal personhood of robots and AI systems. The main objective of this course is to make students aware of the connections between technology and the legal environment and keep them up-to-date with the current discussions worldwide. It is a unique opportunity to further develop technical knowledge on state-of-the-art topics, such as machine learning, neural networks, and 'black boxes.'

Evaluation: Class participation (30%), Final take-home exam (8 hours) (70%)