



Ficha da Unidade Curricular A3ES

Ano letivo 2019/2020

Unidade curricular:

International and European Refugee Law

Curricular Unit:

International and European Refugee Law

Sigla da área científica
em que se insere:

D

Duração¹:

semestral

Horas de trabalho²:

Horas de contacto³:

15h

ECTS:

3

Observações / *Observations*⁴:

1000 caracteres disponíveis

Modalidade da disciplina:

1º Ciclo - Licenciatura:

x 2º Ciclo - Mestrado:

Semestre:

Área:

Public, International and
European Law

Disciplina

Semestre: primavera

Obrigatória

Disciplina

Opcional Jurídica

x Seminário

Opcional não jurídica

Seminário

3º Ciclo - Doutoramento:

Área:

Área:

Docente responsável e respetiva carga letiva na unidade curricular (preencher o nome completo) /

Responsible academic staff member and lecturing load in the curricular unit (fill in the full name):

Benedita Menezes Queiroz - 15h

¹ Anual, semestral, trimestral...

² Número total de horas de trabalho.

³ Discriminadas por tipo de metodologia adotado (T - Ensino teórico; TP - Ensino teórico-prático; PL - Ensino prático e laboratorial; TC - Trabalho de campo; S - Seminário; E - Estágio; OT - Orientação tutorial; O - Outro).

⁴ Assinalar sempre que a unidade curricular seja optativa .



Outros docentes e respetivas cargas letivas na unidade curricular /

Other academic staff and lecturing load in the curricular unit:

--- 1000 caracteres disponíveis

Objectivos de aprendizagem (conhecimentos, aptidões e competências a desenvolver pelos estudantes):

1000 caracteres disponíveis

Learning outcomes of the curricular unit:

By finishing the course successfully, the student:

1. Will acquire theoretical knowledge on the International and European legal instruments concerning the legal treatment of asylum seekers and other persons in need of international protection.
2. Will learn how those norms are interpreted by supranational bodies and institutions, in particular, the European Court of Human Rights and the European Court of Justice.
3. Will be able to critically analyse both the EU asylum policy, and the Portuguese domestic regulations, from the perspective of their compliance with the International and European human rights standards.
4. Will be able to assess applications and cases concerning asylum seekers.
5. Will increase his/her familiarity with the interconnection and cross-fertilization processes of International Law, European Union Law, and the system of the Council of Europe.

1000 caracteres disponíveis

Conteúdos programáticos:

1000 caracteres disponíveis

Syllabus:

I: INTERNATIONAL LAW: 1951 CONVENTION AND 1967 PROTOCOL RELATING TO THE STATUS OF REFUGEES:

1. The creation and structure of the 1951 Convention and the 1967 Protocol. Fundamental concepts and principles of international refugee law.
2. The refugee definition in the 1951 Convention in light of the UNHCR interpretation criteria.

II. EUROPEAN UNION ASYLUM LAW.

1. The institutional and legal framework of the European asylum policy.
2. Elements of the EU *acquis*

III: Scope of protection against *refoulement* under the European Court of Human Rights (ECHR).

1. Evolution of the interpretation of article 3 of the European Convention of Human Rights (ECHR).
2. Article 3 ECHR versus articles 1 and 33 of the 1951 Convention.
3. Protection beyond the territorial limits: application of article 3 of the Convention in the sea: Case of *Hirsi Jamaa and others v. Italy*, 23rd February 2012.

IV. DOMESTIC APPLICATION OF THE INTERNATIONAL AND EUROPEAN STANDARDS.

1000 caracteres disponíveis

Demonstração da coerência dos conteúdos programáticos com os objectivos da unidade curricular.

1000 caracteres disponíveis

Demonstration of the syllabus coherence with the curricular unit's objectives.

Units I, II, and III will help the student to reach objective number 1.

Units II and III will help the student to achieve objective number 2.

Units I and III, in relation with units II and IV, will help the student to reach objective number 3.

Every unit, but especially the cases tackled in II and III, will help the student to attain objective number 4.



The global consideration of all units will help the student to reach objective number 5. 1000 caracteres disponíveis

Metodologias de ensino (avaliação incluída):

1000 caracteres disponíveis

Teaching methodologies (including evaluation):

The course will be taught in English, but it is also possible to do it in Spanish. Regarding methodology, the seminar will follow a mixed theoretical and practical approach. It will be based on theoretical explanations (often following the Socratic method), discussions on relevant topics, and interactive analysis of cases. Grades will be based on class participation (25%), and EITHER a final exam (75%) OR a research project (75%) OR both a final exam (40%) and a research project (35%).

1000 caracteres disponíveis

Demonstração da coerência das metodologias de ensino com os objectivos de aprendizagem da unidade curricular.

3000 caracteres disponíveis

Demonstration of the coherence between the teaching methodologies and the learning outcomes.

By means of the theoretical explanations, and the final exam or the research project (or both), the student will reach learning outcomes number 1 and 5. Throughout the analysis of some relevant cases (from the ECHR and the ECJ), the student will attain learning outcome number 2. Discussions will help the student to achieve learning outcomes number 3 and 4. The mixed theoretical and practical approach (explanations, discussions, analysis of relevant topics) will provide the student with instruments to reach learning outcome number 5. Application of all the methods to the different themes of the syllabus, in a systematic and interconnected way, will help the student to achieve learning outcome number 6. 3000 caracteres disponíveis

Bibliografia principal / Main Bibliography:

FULLERTON, M. (Ed.): The Refugee Law Reader: cases, documents and materials, 2012: <http://www.en.refugeelawreader.org/>
GOODWIN-GILL, G. and McADAM, J.: The Refugee in International Law, 3rd ed, Clarendon Press, Oxford, 2007
LAUTERPACHT, E. and BETHLEHEM, D.: "The scope and content of the principle of non-refoulement", in: FELLER, E., TÜRK, V., NICHOLSON, F. (eds): Refugee Protection in International Law UNHCR's Global Consultations on International Protection, Cambridge University press, Cambridge, 2003
MARIÑO MENÉNDEZ, F.: «El concepto de refugiado en un contexto del Derecho Internacional General», en R.E.D.I, vol.35, p.340-387
SALADO OSUNA, A.: "Treatment Proscribed under Art.3 of The European Convention On Human Rights", in GARCÍA ROCA, J. and SANTOLAYA MACHETTI, P. (Eds): Europe of Rights: A Compendium on the European Convention of Human Rights, Martinus Nijhoff Publishers, Leiden-Boston, 2012
UNHCR Handbook on Procedures and Criteria for Determining Refugee Status (1979, reedited 1992) 1000 caracteres disponíveis