

DECEMBER 2023

ROMA TRE LEGAL CLINICS

REPORT OF ACTIVITIES
2022-2023



01

INTRODUCTION. LEGAL CLINICS AT THE LAW DEPARTMENT OF ROMA TRE

Legal Clinics are part of the Department of Law at Roma Tre University *learning by doing* project – that is, one of its core objectives. Clinics are intensive learning experiences, consisting of theoretical seminars and direct lawyering practice.

In the academic year 2022-2023, eleven Legal Clinics run at Roma Tre in multiple type of practice including litigation, mediation and policymaking. Roma Tre Clinics capture a range of legal subject-matters including civil and criminal law, family law, international law, human rights, immigration law, economic justice, EU law, civil procedure, and more. They are designed to advance student learning, ethical and lawyering skills and serve social justice aims. Depending on the number of hours students are expected to devote to their clinic work, Legal Clinics may assign seven, three or two credits (CFU). Three Legal Clinics main language of work is English; thus they also assign four Legal English CFU.

The following pages provide a short overview of each Roma Tre Legal Clinic and describe activities carried out during the academic year 2022-2023.

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LEGAL CLINIC ON CHILDREN LAW

Overview

The Legal Clinic in Children Law (Director Prof. Ettore Battelli) runs during the Spring semester and awards 7 CFU. The Clinic was born in the a.y. 2012/2013, as part of a European research project promoted with the NGO Save the Children with the aim to foster a practical teaching approach.

The Legal Clinic in Children Law aims to: 1) provide students with qualified legal training on children rights legislation, adopting an innovative practice-oriented approach; 2) promote greater awareness about children living in complex situations who face obstacles in accessing justice and guarantees of rights; 3) build a network of collaboration between the academic community (students and professors), lawyers specializing in children's rights and civil society organizations active in the field of children protection; 4) develop procedural strategies aimed to highlight and to overcome the major shortcomings of current legislation as well as its divergence from international standards.

The Clinic combines a theoretical approach and a practical perspective in analyzing children's law. Indeed, students are provided with the necessary notions and knowledge to be able to deal with different and significant practical issues of private and family law or children's law.

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Notably, in the Legal Clinic, students – supervised by specialized lawyers as legal practitioners – are offered the opportunity to participate in the activities of Save the Children’s ‘Punto Luce’ (‘Points of Light’) reserved for children at the Save the Children’s info-points and front office, in accordance with the modalities agreed with the latter, and offer their contribution to the resolution of concrete issues involving children. In other terms, in the Clinic students – supervised by specialized lawyers – wear the ‘dress’ of legal practitioners. The challenge of these activities is to see students, practitioners, lawyers and faculty engaged in piecing together the fragments of a great choral novel, of which all are unwitting custodians. It is not therefore just a matter of conducting simple practices, but of giving rise to a real legal assistance task on behalf of children and their family members, ranging from purely administrative and/or assistance activities to more properly legal preparation to court actions.

The value of listening is considered a priority in the protection of vulnerable subjects; in fact, the clinic’s students – always supported by legal experts and psychologists – develop both legal and empathic skills and, which make them the most suitable subjects ever to carry out this kind of advocacy on children’s rights. The clinic, therefore, becomes a driver for a social function capable of directing – in the context of practical activities at the University and at the Save the Children’s ‘Points of Light’ accessible in the territory of Rome – the skills acquired by the students in favor of disadvantaged, discriminated or generally socially excluded or forgotten subjects, providing a tangible service to the community in a broader sense.

Students may, thanks to the traditional casuistic and practical approach of legal clinics, specialize in children law through the analysis and the study of real practical issues.

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Relevant attention is paid to the practical approach that enables the participants to make contact with the concrete attitudes of the legal phenomena under study. In this way, the aim is to observe and to deepen the legal problems inherent in the topics covered from a practical and concrete perspective, as a natural evolution of the knowledge acquired about theoretical and institutional notions.

The clinic is aimed at enhancing students' personal inclinations, facilitating professional choices through direct knowledge of the field of children protection and assistance to families in difficult situations. Two others qualifying elements of the clinic are the intercultural education and the strengthening of basic skills.

Report of Activities

As of 2023, more than 300 students attended the legal clinic overall and about 400 cases were handled, involving equally female and male children. In many cases assistance resulted in providing timely and detailed information regarding the children's rights and how to properly exercise them. Cases and inquiries dealt with a variety of subjects, including:

- access to services and economic and social rights (health care, housing, education, economic poverty and educational poverty);
- childhood at risk (children and disabilities, vulnerable children, bullying);
- children and new technologies (children cybernaut, right to access the web, social networks, cyberbullying);
- parental responsibility, right to family unity (reunification), foster care and adoption;
- legal representation, support administration, international private law' issues in children rights; rarely domestic violence (direct and witnessed).

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The Project 'Volunteers for Education'

The Legal Clinic in Children Law joined the programme promoted by Save the Children: 'Volunteers for Education'. It is a community composed of university students committed as volunteers in supporting distance learning of children, girls and teenagers aged nine to 16, protecting them from the risk of learning loss and school dropout. It is a great movement for education that support schools in this unique educational challenge. As many as 1,500 students from the schools were followed by the 159 Roma Tre students. Thanks to its contribution to this project, in 2021 the University of Roma Tre was included among the most outstanding universities in the area of the so-called 'Third Mission'. The wide involvement by Roma Tre University members was the result of community network among students in the Clinic and promotion through social and official University web channels.

Further confirmation of the alliance between universities and the Third Sector in the context of the so-called 'Third Mission' was received within this innovative project entitled 'University Engagement in Countering Educational Poverty', promoted in collaboration with the CRUI and the Network of Universities for Sustainable Development (RUS), in which the students of the Clinic in Children Law actively collaborated. Precisely because of its contribution to this project, in 2021 the University of Roma Tre was included among the most outstanding universities in the field of Third Mission (with as many as 1,500 students from the Schools followed by the 159 Roma Tre students engaged).

According to the feedbacks received (collected anonymously from the minors participants in the project), the situations that left the most mark were 'educational relationship' supporting young students with special educational needs or specific learning disorders

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LEGAL CLINIC IN INNOVATION AND DIGITAL CONSUMER LAW

Overview

The Legal Clinic in Innovation and Digital Consumer Law (Director Prof. Ettore Battelli) runs during the Spring semester and awards 7 CFU. It aims to address the main issues concerning the digital market and consumer.

The training objective is to provide the student with a useful pathway for understanding social changes, as well as for the protection of the individual and the regulation of technological innovation in the digital context. The project proposal fits into the European regulatory framework relating to competition law, consumer protection and the rights of vulnerable persons.

The Clinic aims to: 1) provide students with qualified legal training on new technology law with specific focus on the digital consumer and the rights of citizens, especially the most fragile ones (minors, elderly, disabled), adopting an innovative practice-oriented approach; 2) promote greater awareness of the problems that people in distressed situations encounter in accessing justice and rights guarantees 3) build a network of cooperation between the academic community (students and professors), specialised lawyers, experts, companies, sector authorities and civil society organisations (especially those active in the field of consumer protection); 4) develop procedural strategies aimed at highlighting and overcoming the major shortcomings of the current legislation on the digital market

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In summary, the Clinic is aimed at facilitating the students' future career choices through direct knowledge of the work sector to which the preparation acquired in class may provide access.

The teaching method adopted takes into account modern active learning techniques that focus on lectures, discussion and resolution of practical cases. Of central importance is a casuistic and practical approach that enables the participants to come into contact with the concrete behaviour of the legal phenomena under study. In this way, the aim is to observe and deepen the legal problems inherent to the topics dealt with from a practical-applicative perspective, as a natural evolution of the learning of theoretical-institutional notions. In this sense, seminar meetings are held with leading practitioners in the sector that offer students an 'insider look' and a unique perspective of practical application of the theoretical notions learnt during the lectures.

Through a cross-disciplinary and transversal approach (administrative law, European law, financial sciences; provided by the lecturers who are members of the research group of the Jean Monnet EPIC Module Project – European Law Perspectives on Innovation Challenges), the Clinic looks at the main legal, economic and social challenges of technological innovation: from Artificial Intelligence to Blockchain, from algorithmic systems to the circulation of personal data. The course aims at fostering the understanding of digital market dynamics also through the critical analysis of traditional categories and institutions, with a special focus on phenomena related to the so-called new digital vulnerabilities

Report of Activities

The above-mentioned aims were realised through a series of conferences with various partners, at which national and international speakers took part. In this respect, the strong practical slant of the Clinic emerged, as characterised by cross-curricular teaching allowing the students to effectively and directly come into contact with experts and professionals in the field. In particular, the following conferences were held:

On 27 April 2023, a seminar was held at Binario F from Facebook, organised in synergy with the partner META, entitled 'Law and the metaverse', with the intervention of Lorenzo Maria Lucarelli Tonini and Claudia Trivillino, the latter being present as public policy manager for Italy and Greece of META. It should be noted that on the sidelines of the meeting the students had the opportunity to use the interactive and multimedia space of the structure, having the chance to 'touch with their hands' the experience of the metaverse through the use of specific visors.

On 4 May 2023, an international seminar entitled 'European Law in the Digital Society' was held at the Department of Law of the University of Roma TRE, with talks by Dr Alvaro Bueno and Dr Gonzalo Munoz from the University of Valencia. It should be noted that during the course of the meeting students had the opportunity to enjoy both an overview of European law and a specific testimony of the issues dealt with in the Spanish legal landscape;

On 5 May 2023, a seminar entitled 'Digital Defamation and the Protection of Individuals on the Web' was held at the Department of Law of the University of Roma TRE, with the participation of qualified experts in the field, in a round table where risks, new opportunities and renewed instruments of protection in the digital society were examined.

The clinic, for which compulsory attendance is required, is therefore characterised by the opportunity to ask questions and intervene directly in each lecture in dialogue and discussion with the lecturers and external speakers on the most relevant and topical issues.

INTERNATIONAL HUMANITARIAN LAW LEGAL CLINIC

Overview

The International Humanitarian Law (IHL) Legal Clinic (Director Prof. Giulio Bartolini) is held in English, runs during the Fall semester and awards 7 CFU. It has been active since 2016 and provides pro bono support to relevant international and national stakeholders operating in the field of international humanitarian law. The Clinic aims at enabling students to engage with legal challenges posed by armed conflict and develop significant skills and a humanitarian-oriented approach beneficial for their future professional activities and civil awareness. It also fosters the dissemination of the values inherent in the regulations designed to protect the victims of armed conflict.

Mostly operating as a desk study legal clinic, the IHL Legal Clinic has worked on numerous projects in cooperation with institutions such as the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies - Disaster Law Programme (IFRC), the Italian Red Cross, the NATO Allied Command Operations Office of Legal Affairs at the Supreme Headquarters Allied Powers in Europe (SHAPE), Amnesty International Italy, the Centre of Excellence for Stability Police Units (CoESPU) and more. Collaborations may consist of drafting comprehensive desk studies which analyse contemporary IHL issues or developing innovative projects with digital capabilities, such as databases and mobile applications.

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Additionally, the IHL Legal Clinic has participated in international partnership programs with other legal clinics. Currently, it is part of the Erasmus Plus project IHL Research Education and Dissemination (IHL RED), which involves a consortium of IHL legal clinics from the Universities of Bochum, Leiden, and Roma Tre. This partnership promotes joint projects and exchange visits involving students

Report of Activities

The IHL Legal Clinic offered its services to two main external partners in relation to several projects. Also, the Clinic participated into exchange and dissemination activities in the context of the EU funded project “IHL RED”.

Reports commissioned by the NATO Legal Office at SHAPE

Through its longstanding partnership with the NATO Legal Office at SHAPE, the Clinic contributed to the activities of LAWFAS (Legal Advisors Worktop Functional Area System): the NATO on-line platform aimed at facilitating legal research by providing easy access to relevant information for the legal community of military legal advisers of Member and Partner States. Furthermore, students prepared two desk studies for the NATO Legal Office at SHAPE.

The first report focused on a critical analysis of the state of the art of neutrality law, with a particular emphasis on arms transfers by third States in the current conflict in Ukraine.

The second report addressed another topical issue, namely, the options currently under consideration by the international community to ensure responsibility and accountability for the commission of IHL violations and international crimes (notably, Russia’s aggression against Ukraine and war crimes committed during the conflict).

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Report on recent Italian practice on IHL commissioned by the ICRC

In the framework of the enduring cooperation with the ICRC, the IHL Legal Clinic undertook the examination and reporting of the most recent Italian practice relevant to updating the ICRC customary international humanitarian law database.

The report provided for a detailed appraisal of Italian legislative, judicial and diplomatic pieces of practice, including for example Law n. 220/2021 on “Measures to counter the financing of enterprises producing anti-personnel mines, cluster munitions and sub-munitions” and the Memorandum of Understanding with UNESCO on the “Italian National Task Force in the framework of UNESCO’s Global Coalition Unite4Heritage”.

Dissemination Activities: Presentation of Project Outputs to Partners and Clinics’ Exchange Conference in Leiden (The Netherlands)

The IHL Legal Clinic is also involved in dissemination activities, concerning both its stakeholders and other universities. This further allows students to develop a professional posture and public speaking skills, as part of their clinical training.

In this respect, after completing the desk studies and following the handling of the project outputs to partners, students of the Legal Clinic had the possibility to meet with representatives of NATO and the ICRC to describe the content of their work and answer questions from the respective stakeholders. In both cases, partners particularly appreciated the work produced and presented by students, allowing to further strengthen the ongoing collaborations.

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Furthermore, the Clinic Director, Supervisors and students participated to the annual Clinics' Exchange Conference (CEC) organized in the context of the "IHL RED" consortium. In the past academic year, the CEC took place at Leiden University, at the campus located in The Hague, from May 21 to May 24 2023. The meeting allowed participants to present the results of clinical projects carried out in the first semester to fellow students participating to the respective legal clinics of the partner universities and to receive questions and feedbacks on their work. Also, the CEC provided students with the opportunity to attend lectures on IHL and visit the premises of the International Criminal Court (ICC) in The Hague, where they attended part of an ongoing hearing

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INTERNATIONAL PROTECTION OF HUMAN RIGHTS LEGAL CLINIC

Overview

The Legal Clinic (Director Prof. Alice Riccardi) is held in English, runs during the Spring semester and awards 7 CFU. It operates in the field of international human rights law as both a desk study and a strategic litigation legal clinic. It thus operates both as an agent of human rights advocacy and as a laboratory where to experiment new legal techniques to advance the respect for human rights. The Legal Clinic works in partnership with NGOs, international organizations and lawyers on projects which enable enrolled students to experience different techniques of human rights lawyering (fact-finding, reporting, brief-writing and strategic litigation).

As a desk study legal clinic, the Legal Clinic has prepared reports commissioned by NGOs, international and national institutions on hot human rights issues (e.g. trafficking in human beings from Nigeria to Europe, conditions of migrants' detention in Libya, States' responsibility for serious human rights violations along the so-called Balkan route, condition of stateless children in Côte d'Ivoire). As a strategic litigation legal clinic, it has directly appeared or assisted lawyers appearing before national and international jurisdictions, including the International Criminal Court and the European Court of Human Rights, and before international monitoring bodies, including the United Nations Security Council 1267 Ombudsperson, the United Nations Committee on the Rights of the Child and the United Nations Committee on the Elimination of All Forms of Discrimination Against Women.

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Report of Activities

The International Protection of Human Rights Legal Clinic has offered its services to external partners in relation to three projects.

Legal Expert Opinion in the Context of an Individual Communication before the UN Committee on the Rights of the Child

The first project, on which the Legal Clinic started to work on during the academic year 2021-2022, concerned the drafting of a Legal Expert Opinion aimed to advise ASGI (Associazione per gli Studi Giuridici sull'Immigrazione) on whether States Parties to the UN Convention on the Rights of the Child, which are States of destination of unaccompanied migrant children, may violate the said Convention by supporting the return of said children from transit States to their State of origin through international organizations. The Legal Expert Opinion was commissioned by ASGI to be filed in the context of strategic litigation proceedings before the UN Committee on the Rights of the Child. The case is currently ongoing; thus, the Legal Expert Opinion is at present confidential.

Involvement in the project allowed the students to address some of the most debated human rights issues in current doctrine and case-law, including the extraterritorial application of human rights treaties and issues of shared responsibility between States and international organizations for serious human rights violations. Moreover, they experienced the initial phase of a strategic litigation proceedings. Indeed, they assisted in the shaping of the legal question to be submitted before the UN Committee on the Rights of the Child and in case selection. Finally, they confronted themselves with the drafting techniques necessary to write a legal memorandum to be filed directly before a UN body.

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The Statelessness Legal Clinics Project in Collaboration with UNHCR

The Legal Clinic continued its long-standing collaboration with UNHCR Italy on the ‘Statelessness Legal Clinics (SLC): Strengthening Legal Education and Practice on Statelessness’ project, in cooperation with the Legal Clinic on Migration and Asylum at Roma Tre and the legal clinics of the International University College of Turin and of the Law Department of Federico II University in Naples, and the non-profit organization Programma Integra. The project aims to provide pro bono legal assistance to stateless persons or persons at risk of statelessness, to deepen knowledge and research on the phenomenon of statelessness and to contribute to the development of academic expertise on the topic. In the context of the project, the Clinic operates as a live-client legal clinic, assisting individuals selected by UNHCR in seeking judicial recognition of their statelessness or citizenship status. Three students of the Clinic are dedicated to the project, and are selected following a public competitive selection awarding a merit-based scholarship. During the first phase of their clinical work, students engage directly with individual clients. Notably, they are responsible for conducting a preliminary interview. In the second phase, the three students engage in the legal analysis of the case, exploring the legal avenues available to the client to obtain status recognition. Occasionally, students may be required to analyse peculiar instances of human rights violations (this is the case, for instance, of arbitrary deprivations of nationality). During this phase, the Clinic assists the partner lawyer who legally represents the client by drafting a legal opinion (pro veritate) illustrating the Clinic’s legal conclusion and the suggested legal avenue to be pursued for the individual. Following consultation with the partner lawyer on the selected legal strategy, the students may subsequently be involved in the drafting of an appeal to the Tribunal of Rome requesting status recognition.

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Involvement in the SLC project allows students to develop a significant set of skills. Besides deepening their knowledge and developing expertise on the issue of statelessness, students are offered the chance to learn and apply lawyering techniques, including interviewing techniques and the drafting of different types of legal documents. Direct contact with individual clients also enhances their professional attitude and human sensitivity – students of the 2022-2023 edition of the Clinic have shown extreme care in dealing with clients and put significant efforts into building a relationship of trust which was conducive to an effective cooperation. At the same time, the assistance provided by the Clinic contributes to the local community, not only by directly facilitating status recognition for selected clients, but also by providing relevant periodic information to UNHCR concerning trends on the living conditions, protection needs and legal obstacles observed during contacts with the population of beneficiaries.

Report on Stateless Unaccompanied Migrant Children from Côte d'Ivoire for CeSPI

In April 2023, with the support of UNHCR Italy, the Clinic initiated a novel collaboration with the research centre Centro Studi di Politica Internazionale (CeSPI) concerning a new clinical research project on issues of statelessness. Building on the Clinic's long-standing expertise in the drafting of Country of Origin Information (COI) reports, the Clinic supported the research activities of CeSPI by drafting a COI report analysing the phenomenon of statelessness among unaccompanied migrant minors from Côte d'Ivoire. Although the COI report is general in scope and is intended to be used for diverse purposes – including determination of protection status for individual applicants and other study/research activities – the publication of the report will particularly support CeSPI researchers in their current research aimed at determining the impact of statelessness on the population of unaccompanied minors migrating from Côte d'Ivoire to Europe

LEGAL CLINIC ON MIGRATION AND ASYLUM

Overview

The Legal Clinic on Migration and Asylum (Director dr. Carlo Caprioglio) is held in English, runs during the Fall semester and awards 7 CFU. The course benefited from the international collaborations as part of the Erasmus+ YEAR – Youth Education and Activism for Migrants' and Refugees' Rights, led by the students' association Diritti di Frontiera and supported by the Clinic as scientific partner.

The course was divided into three modules: the first aimed at providing students with training on the fundamental institutions of immigration and asylum law at the national, EU, and international levels; the second provided students with an introduction to critical migration, border, and citizenship studies; finally, the third one was composed by 8 hours of internship at the Clinic's Legal Helpdesk, where students practiced the competences they acquired in class under the supervision of the lecturer and two expert lawyers. The lawyer Jacopo Di Giovanni, who has been collaborating with the Clinic since 2012, participated to the classes of the first module to offer students a hands-on approach to the study of immigration and asylum law. The classes of the second module hosted several guests (such as lawyers and researchers) to give students a multidisciplinary and lively educational experience. At the end of the course, the students worked in groups to draft appeals for international protection based on real cases from the Legal Helpdesk of the Clinic

Report of Activities

The Legal Helpdesk

Since 2012, the Clinic Legal Helpdesk has been run as a public service, open once a week on the premises of the Law Department. Here, the students meet the clients, provide legal information, and collect the papers they need to draft appeals and non-judicial acts under the supervision of the lecturer and the lawyers. The Clinic Legal Helpdesk is open yearly except for holidays and summer closure. Each year, subject to available funds, the Clinic awards scholarships to 'senior' students to mentor the students of the next course. In the academic year 2022-2023, four scholarships, financed by the Haiku Lugano Foundation, were awarded to four students of the Department who had passed the exam the previous year.

In the a.y. 2022-2023, the Clinic Legal Helpdesk provided legal assistance to 185 migrants, asylum seekers, and refugees from all around the world (i.e., Nigeria, Afghanistan, Brazil, Peru, Albania, and Tunisia). Ukraine refugees formed about one-third of the total of the people assisted. Since its inception, the Clinic Legal Helpdesk has always dealt with a wide range of legal issues involving almost all institutions of immigration and asylum law. Last year, the Clinic supported 48 people in the asylum and 'special' protection (ex. art. 19, par. 1.1 TUI) procedures and lodged eight appeals before the Tribunal of Rome for the recognition of the international protection or against transfers based on the Dublin III regulation. It is also worth mentioning the assistance provided in the naturalization and family reunification procedures. Finally, the recognition of foreign educational and professional qualifications engaged the Clinic throughout the year, confirming its commitment to fostering migrants' access to the right to study and work.

Other Projects, Collaborations and Public Dissemination Activities

The Clinic was involved in several projects of education and promotion of social inclusion:

- the Erasmus+ project 'YEAR - Youth Education and Activism for Migrants' and Refugees' Right', in collaboration with the European Network of Clinical Legal Education (ENCLE), the Asociación Pro Derechos Humanos de Andalucía and the German association migration_miteinander e.V. Thanks to the project, six students from the Law Department had the chance to join a mobility program at the European level. The students spent two weeks abroad to understand the operation of the national systems of asylum and immigration in Spain and Germany.
- The 'Statelessness Legal Clinics' project, implemented with the International Protection of Human Rights Legal Clinic of Roma Tre, in partnership with UNHCR Italy, the University of Naples Federico II, and the International University College of Turin.
- The project 'La Clinica del Diritto come approccio integrato alla tutela legale delle soggettività migranti LGBTQI+' (The Law Clinic as an integrated approach to the legal protection of LGBTQI+ migrants), funded by Haiku Lugano Foundation, with a specific focus on transgender migrant women's access to justice.
- The project 'Ukraine Emergency', implemented with Refugees Welcome Italia and funded by the Italian Civil Protection, aimed at fostering the rights of Ukrainian women refugees in Italy hosted in private accommodations.
- The project 'Kush Amadid', in partnership with several NGOs and funded by the Lazio Region, aimed at fostering the social inclusion in the Lazio Region of a group of Afghan refugees who entered Italy through the Italian humanitarian corridors

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During the a.y. 2022-2023, the Clinic hosted two public events dedicated to the access to justice for transgender migrant women, with the participation of international organizations (UNHCR), public institutions (the Tribunal and the Municipality of Rome), scholars, and NGOs. On 1 December 2022, in collaboration with the Associazione Studi Giuridici sull'Immigrazione (ASGI), the Clinic organised the conference 'I confini della solidarietà. Il reato di favoreggiamento dell'immigrazione irregolare alla prova delle ipotesi accusatorie e dei processi', dedicated to the analysis of the crime of facilitation of irregular immigration in light of the recent rulings by the Constitutional Court and the Court of Cassation. Finally, five students of the Clinic joined as speakers the 8th Conference of the European Network for Clinic Legal Education (ENCLE), held at the University of Brescia in July 2022, and the Annual Conference of the Association of Italian Legal Clinics, held in November 2022 at the University Federico II of Naples.

PRISON LAW LEGAL CLINIC

Overview

The Prison law Clinic (Director dr. Silvia Talini) runs during the Spring semester and awards 7 CFU. The Clinic works in collaboration with experts from the Antigone Association, has two objectives: reflecting on the problems of criminal execution paying particular attention to the compatibility between prison legislation and constitutional principles, participating concretely in guaranteeing prisoners' rights and, more widely, promoting a different culture of punishment. These are complex objectives that can only be achieved through a constant comparison between theory and practice. The activity is developed in two related stages. Students go into the prison to collect the prisoners' requests (front office) and then they meet in the university to address the issues raised and discuss good practices that can be adopted (back office). During these meetings tasks and duties are divided among the team; these include legal and jurisprudential research, drafting petitions or the mediation with prison staff and other administrations to solicit the adoption of the necessary measures.

The Clinic, since 2020, operates as a territorial articulation of the Regional Guarantor of Prisoners and is carried out in the institutions of Casa di Reclusione di Rebibbia, Casa Circondariale Rebibbia Femminile, Terza Casa di Rebibbia, Casa Circondariale Regina Coeli.

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Report of Activities

- Number of accesses and detainees met: the students made 70 accesses at the institutions of prisons of Casa di Reclusione di Rebibbia, Casa Circondariale Rebibbia Femminile, Terza Casa di Rebibbia, conducted in-person interviews and worked on individual files for a total number of 390 detainees.

- Number of accesses and detainees met at Casa Circondariale Regina Coeli: the students made 36 accesses and conducted in-person interviews and worked individual files for a total number of 140 detainees.

The main petitions submitted concerned the guarantee of the right to health and access to health services, the right to affectivity especially due to poor relations with the family, requests for transfers, usability of space inside the prison, protection of the right to work and contacts with the judiciary

PRIVACY LEGAL CLINIC

Overview

The course 'Personal Data Protection and Safeguarding Fundamental Rights – Privacy Legal Clinic' (Director Guido Scorza, member of the College of the Italian Data Protection Authority) runs during the Spring semester and awards 7 CFU. The Clinic has been running since a.y. 2016/2017 and, on average, around twenty students take part in each edition.

The aim is to offer students a useful pathway for understanding the importance of the protection of fundamental rights in the information society, with special reference to the right to personal data protection. The project proposal is part of the multilevel perspective of the protection of the right to privacy, with particular regard to European Union and national legislation and case law.

The idea at the basis of the course – as in the tradition of legal clinics – is to enable students, having acquired the necessary basic skills, to deal 'live' with specific, actual and concrete issues both in the theoretical and in the practical-operational dimension.

In this perspective, the course devotes equal attention and similar time to traditional frontal lessons and practical activities in which students are asked to respond to cases and issues similar to those that are daily posed to the Garante per la protezione dei dati personali and to confront, also divided into teams, in simulations dealing with privacy issues or in the drafting and revision of the most recurrent documents such as privacy policies, personal data processing violation notifications, consent acquisition processes

Report of Activities

The 'Personal Data Protection and Safeguarding Fundamental Rights – Privacy Legal Clinic' course continued its tradition of engaging students in an interactive and hands-on study of data protection law and jurisprudence. The course offered the sixteen participating students a mixture of lectures and practical activities, with the aim of providing students with the necessary skills to understand the importance of protecting fundamental rights in the information society.

The students dealt with cases similar to decisions of the Italian Data Protection Supervisor. This allowed them to apply their acquired knowledge and to confront practical and theoretical issues related to privacy. In doing so, students had the opportunity to work in teams for practical simulations related to privacy issues and for drafting and reviewing documents such as privacy policies and data breach notifications.

In addition, the course placed special emphasis on topical cases, such as the ChatGPT case, highlighting the importance of adapting to the changing conditions of the information society and emerging privacy and data protection challenges, such as the Metaverse and the Neuroverse

SMALL SAVERS' PROTECTION LEGAL CLINIC

Overview

The Small Savers' Protection Legal Clinic (Director Prof. Maria Cecilia Paglietti) runs during the Fall semester and awards 7 CFU. It provides students with qualified legal training in the legal protection of savers in the banking and financial sector. The Clinic has two main objectives: to provide students with the opportunity to work on real cases and to enable students to serve their community and promote the University 'Third Mission'. A further objective is to promote the culture of alternative dispute resolution systems by encouraging the use of ADR systems before the 'Banking and Financial Arbitrator' and the 'Arbitration of Financial Disputes'.

The methodology adopted by the course aims to involve students in the solution of one or more real cases. The course is divided into two phases: an introduction (lectures) and the solution of real cases. The first phase is devoted to conveying to students the basic notions in the specific field of interest (which encompasses various topics: consumer law, banking law, financial law, procedural law, ADR systems). Having completed the theoretical module, students are introduced to the second phase of the course, aimed at solving real cases. Students are gradually introduced to experiential learning. Hence, the first case they tackle is a mock case.

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This intermediate phase is intended to help students make a gradual transition from a learning-based point of view to professional thinking. A gradual approach to a new methodology, the clinical methodology, different from the usual way of working in the classroom, seems appropriate. In this phase, students learn to investigate and organise facts, defining and analysing the problem; to use legal databases; and to draft written advice. The methodology is based on a qualitative and not a quantitative approach: consequence of this approach is the irrelevance of the number of cases dealt with and the fact that the clinic does not simply provide advice to clients but assists them at all stages of the litigation.

Report of Activities

Guest Lectures

Thanks to the clinic's numerous institutional relations with the banking world, students benefitted from the added value of hosting guest speakers on specific topics. In particular, two guest lectures were given by Dr Antonella Magliocco, Head of the Individual Customer Protection and Financial Education Department of the Bank of Italy, and Dr Maria Iride Vangelisti, Director in the Financial Education Service of the Bank of Italy, who respectively illustrated the characteristics and evolutionary lines of the Italian Banking and Financial Ombudsman and the topic of payment services.

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Cases

As to its live-client activities, two cases were dealt with by the Clinic.

The first concerned a case of a 'Sim swap scam', in which the customer sought reimbursement for a fraudulent withdrawal of €4,992.00 made at an ATM without using the ATM card. The specificity of this case was that it involved an extra withdrawal, made by entering the customer code and secret pin code (home banking credentials) and later entering the OTP code (valid for one transaction only). The account holder claims to have been victim of a scam called 'Sim Swap Scam', i.e. a computer fraud technique that allows access to the legitimate owner's phone number and violates computer security systems that use just the phone number as an authentication system. Having received a negative response to the complaint, the students provided an opinion to the client containing all the information needed to assess a possible appeal to the ABF.

The second case involved the fraudulent withdrawal of a person who paid online for an isolated service of converting a pdf file to one in word, following which a subscription contract was fraudulently signed. The students filed a complaint that was forwarded to the company. The case also lent itself to considerations regarding the protection of vulnerable persons, the customer being an elderly person who claimed to be affected by digital vulnerability

Partnership with the University of Luxemburg

In line with the European tendency to promote innovative models of teaching methods, the Clinic took the opportunity to involve prestigious foreign universities by entering into an agreement with the Clinique de droit de la consommation of the Université du Luxembourg, Faculté de Droit, d'Économie et de Finance, which aims to cooperate in the fields of education and training by showing students different ways of teaching and learning. This also involves a student exchange programme that encourages scientific and cultural exchange and has as its central objective the development of internationalisation opportunities for the entire faculty, students and staff.

This exchange of expertise on the respective legal clinics on consumer law, which has been active since 2015, is extremely fruitful for Italian students who, by personally going to the University of Luxemburg, can verify in the field how the clinical method is implemented

Two selected Italian students have the opportunity, each year, to attend a few lectures and experience a simulated encounter with a consumer, in order to see and understand the different methodology and approach to clinical teaching methods. This experience allows students to build a comparative view of the approaches used in different legal and academic environments, and to identify and study different points of view, and consequently to improve the subject knowledge and training of future lawyers and academics.

During the 2022-20223 academic year, the Clinic hosted five students from Luxemburg who attended an introductory lecture to the real case, and also gave a presentation on their own clinic and way of working

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Relationship with the Market

One of the most significant results of the clinic is the very high percentage of students who found employment, even in a very short time. This demonstrates, more than any other consideration, that legal clinics, which are more closely aligned with the needs and opportunities offered by the labor market, improve the level of competence for employability and increase opportunities for professional development, since students are considered by the labor market as already trained.

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LEGAL CLINIC ON COMBATING GENDER- BASED VIOLENCE AND MULTIPLE DISCRIMINATION

Overview

The Legal Clinic (co-Directors Prof. Maria Rosaria Marella, Prof. Antonella Massaro, Prof. Enrica Rigo) is a multidisciplinary in-depth course on gender-based violence in Italy. The course aims to: to educate students on the theoretical foundations of gender-based violence; to explain the civil and criminal laws countering it; and to study the functioning of trials in this legal field.

In addition, the Legal Clinic collaborates with the Anti-Violence Center of the Roma Tre University, which serves as a Laboratory for students where they can learn about practical cases of women or LGBTQIA+ people who have lived situations of gender-based violence.

The Legal Clinic, therefore, implements the learning-by-doing methodology for the students, who study on the real cases brought up by University's Anti-Violence Center.

The course aims to give students a thorough understanding of gender-based violence on women and LGBTQIA+ people, not only from a legal perspective but also theoretically. The course gives the opportunity to have a comprehensive knowledge of legal measures to combat gender-based violence, both civil and criminal law, which are essential for the training of jurists.

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In addition, the course offers extensive training inclusive, thanks to the contribution of the University's Anti-violence Center, of all social measures for persons offended by these crimes; this type of training is very useful for the students who want to work in social services.

Moreover, the students, through the legal clinic approach, learn about the case study-based research method. The students may also see their focus papers published at the "Observatory on Combating Gender-Based Violence and Multiple Discrimination". The Observatory is a website related to the Legal Clinic course. The Observatory collects contributions and comments from lecturers and lawyers about gender violence; it also offers periodic reviews on the most important Italian and international jurisprudence in this field.

Report of Activities

The Legal Clinic involved 22 students in the academic year 2022/2023. The course was divided into two parts: a theoretical learning phase with lectures and a law practice phase using the clinical-legal method.

In the first part of the course, students learned the theoretical foundations of gender-based violence, embracing an interdisciplinary approach, from the philosophy of law to political philosophy, along with the feminist experience of Anti-Violence Centers in Italy. Moreover, students learned about civil and criminal law governing the fight against gender-based violence in Italy and the functioning of proceedings in these matters. During the first part, several professors from legal, philosophical, and sociological subjects were involved, along with lawyers and social workers from the University's Anti-Violence Center.

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In the second part of the course, students were divided into groups where they studied some cases (anonymized) from the University's Anti-Violence Center supervised by lawyers, and they prepared court documents. In addition, supervised by lecturers, the students wrote focus papers on sexual violence and about the Codes of Conduct in respect of harassment and sexual misconduct actives at major Italian universities. Consequently, the students collected many courts' decisions, especially from the Italian Court of Cassation and international courts such as the ECHR. The students also collected the Codes of Conduct in respect of harassment and sexual misconduct actives at all Italian universities.

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LEGAL CLINIC IN MEDIATION

The Legal Clinic in Mediation affords students to a comprehensive overview of the lawyering technique of mediation. It is composed of three modules: civil mediation, criminal mediation and family mediation. Each module awards two CFU. Students may decide to enroll in all three modules; in this case, they are awarded six CFU.

The Civil Module

The Legal Clinic (Director dr. Francesco Fradeani) aims to provide students with theoretical and practical knowledge of ADR-Alternative Dispute Resolution tools, with reference to civil mediation, after the recent reform brought about by legge delega n. 206 of 2021 and Law Decree n. 149 of 2022. As is known, civil mediation assumes ever-increasing importance in the management of civil litigation; hence it became a tool now essential for every legal practitioner. The Legal Clinic specifically aims to allow students, through experiential teaching, to learn basic notions regarding ADR in general and civil mediation in particular. The course consists of ten lessons of two hours each.

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Report of Activities

During the course, which took place for the first time last academic year 2022/2023, the students (about ten) were involved in the study and concrete treatment of real cases, initiated into a mediation between parties in conflict between them. After the first theoretical meetings, the students were engaged in practical activities, including the analysis of real cases with the collaboration, for this purpose, of professionals. Through the videoconferencing tool, the students benefited from the concrete contribution of Fabrizio Schiavoni, General Secretary of the Camera di Commercio Marche who, together with his staff, made concrete examples available to the students and shared the experience of an institution with a central role in the functioning of civil and commercial mediation, as well as more generally in the ADR system. Another meeting was attended by Luigi Reale, Judge of the Tribunal of Macerata, who provided the students with a clearly 'adjudicative' approach to mediation, i.e. the specific point of view of the judicial authority on the matter, also and above all, after the innovations brought about by the so-called Cartabia reform. During this event, a lot of practical cases were also explored in depth. Students were involved and encouraged to provide the most convenient solutions to said cases. Finally, in the last lesson, the lawyer Marisa Abbatantuoni from Macerata, as an expert civil and commercial mediator, led the students to discover the most sophisticated techniques to composition of the disputes.

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The Criminal Module

The Legal Clinic on Criminal Mediation (Director Prof. Federica Centorame) constitutes one of the very latest additions to the wide range of clinical-type training programmes developed over the years by the Department of Law of the University of Roma Tre belong.

The training objective of the Clinic is to provide students with a theoretical-practical knowledge of the tools necessary for the use of the new restorative justice modules which, especially in the light of the latest reform of the criminal trial, approved by Legislative Decree no. 150 of 2022, are assuming significant importance in the management of criminal litigation. In this perspective, students attending clinical activities are called upon to study and discuss real cases initiated by a path of mediation-reparation between the victim and the person indicated as the offender, with the help of experienced professionals in the field of Restorative Justice.

Report of Activities

To reach the Legal Clinic's objectives, the Department of Law of the University of Roma Tre entered into a three-year Agreement Protocol with the Spondè ONLUS Association, whose statutory purpose is precisely to spread the culture of restorative justice and the protection of crime victims. Since last year, the Spondè ONLUS Association has therefore been the main partner in managing the activities of the Legal Clinic on Criminal Mediation, thanks above all to the invaluable professional experience of Maria Pia Giuffrida, criminal mediator and current Spondè scientific manager, and her team of collaborators also trained over the years as criminal mediation operators.

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The students who, last year, first ventured into the innovative experience of the Legal Clinic on Criminal Mediation provided a largely positive response, demonstrated by the assiduity of their attendance and, above all, by their heartfelt participation in the unprecedented practices that were presented to them as an auxiliary to the ordinary methods of criminal dispute management. Students of the Department of Law, on the other hand, are mostly accustomed to examining issues on a technical-legal level, an approach that emphasises the emotional and psychological profiles of criminal cases being unusual.

Hence, curiosity grew, lesson after lesson, in favour of an entirely new system of alternative criminal dispute resolution. In order to bring the students closer to the unique sensitivity of the figure of the criminal mediator, the cycle of meetings, starting from an initial and essential in-depth study of theoretical notions on the meaning of Restorative Justice and its ancillary role in the context of the traditional judicial procedure, has, subsequently, privileged the more strictly operational profile of mediation activities between victim and offender.

With this in mind, the students were involved in practical exercises to be carried out in pairs, which consisted, among other things, in recounting a situation in which each of them had felt wronged; at the end of the two-way discussion, the student who had collected the confession of his or her partner was called upon to share it with the group, recounting exactly what had been reported to him or her. The exercise, aimed at putting oneself in the Criminal Ombudsman's shoes, required one to use the same words as those uttered by the confidant without adding any, and to avoid making assumptions and value judgements. Once the story had been told, the narrator was invited to express the emotions aroused by the confidant's account.

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This exercise and others similar to it were carried out with great commitment on the part of all; each of the children thus experienced being heard, listened to and welcomed, maturing a more open and supportive attitude towards others in the During further weekly meetings, mediators from the Spondé Association alternated theoretical explanations with practical exercises, providing the class with concrete examples of what it means to be a mediator and what the meaning of this ADR practice is. Students were always prompted to interact, being encouraged to understand the topic also through reference to their own personal experiences.

A crucial moment in the process of understanding the new institution of Restorative Justice was represented by the viewing, in the classroom, of a film, with the staging of a criminal mediation technique, made by the Spondè Association. The students were called upon to discuss what they had seen, reflecting, each according to their own sensitivity, on the delicate role played by the mediator and on the importance, in the context of mediation practice, given to the word of both victim and offender.

The increased awareness of Restorative Justice thus enabled the students to practise a real mediation exercise themselves. Specifically, on a voluntary basis, while one of the students attending the course offered to share a personal conflict of their own, another student took on the role of his adversary in the simulated dispute.

At the same time, a group of three other students was assigned the task of the mediation panel.

The professional mediators and the entire class were pleasantly impressed by the fact that all participants in the mediation simulation were able to fully identify with their individual assigned roles. It was, in fact, a very empathetic experience, which showed each of us the most authentic sense of mediation: that of being able to understand each other more and better, making the minimum effort to listen to each other.

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The overall balance of the activities carried out, which was also shared with the Partner of the Legal Clinic, was, therefore, decidedly favourable, finding in the students the enthusiasm of getting to know a completely new reality for the legal practitioner and which, for this very reason, opens up very interesting work prospects for the practitioners of the future.

Here, on the basis of such enthusiasm to explore as yet unploughed paths of criminal justice, it is expected that the activities of the Legal Clinic on Criminal Mediation will continue this year, with an increasing participation of the student community.

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The Family Module

The Legal Clinic (Director Prof. Ettore Battelli) aims at guiding students along a path towards a full and deep understanding of issues concerning the protection of the person in the family context and in the context of social change. The Legal Clinic fits into the European and national regulatory framework on Alternative Dispute Resolution (ADR) and the protection of the rights of fragile persons. The course aims at developing the correct mastery of family mediation management techniques (legal and non-legal) in order to limit conflict situations.

Specifically, the Legal Clinic aims at: offering students specialised legal training in family law, with specific focus on property aspects, adopting an innovative practice-oriented approach; promoting greater awareness of the wide range of obstacles and problems faced by people in family conflict situations in accessing justice and guarantees of rights; building a collaborative network between the academic community (students and professors), mediation bodies, specialised lawyers and civil society organisations active in the field of Alternative Dispute Resolution (ADR), drawing on the experience and qualified collaboration of experts in the field.

Students can acquire highly professional training through the analysis and study of practical issues thanks to the casuistic and practical approach of legal clinics, which also encourage interaction between students.

The teaching method adopted takes into account modern active learning techniques that focus on lectures, discussion and resolution of practical cases

LEGAL CLINIC ON START-UPS

Overview

Created following a request for collaboration from the Departments of Engineering and Economics of the University of Roma Tre, the Legal Clinic on start-ups (Director Prof. Roberto Baratta) is held in Italian, runs in the Spring semester and awards 3 CFU.

Students (approximately 5/10) are required to provide legal advice to newly established start-ups selected by the “Dock3” Programme (see HOME - DOCK3), a body that is supported by the professors of Engineering and Economics at the University of Roma Tre

Report of Activities

The Clinic mainly dealt with the drafting of non-disclosure agreements, i.e. contracts, sometimes written in English, that a certain start-up intends to conclude with external investors, often containing private international law issues, such as clauses on the choice of applicable law, the competent court or arbitration in case of disputes based on the so-called Brussels I Regulation.

The Legal Clinic also offered guidance on the protection of intellectual property and trademarks on the basis of European regulations.

LEGAL CLINIC ON VICTIMS OF CRIMES

Overview

The Legal Clinic on Victims of Crime (Director Prof. Luca Marafioti) runs in the Fall semester and awards one CFU. Its institutional aims are several.

The main purpose of the course is to contribute – through the collection, analysis and processing of empirical data, best practices, legislation and case law – to the creation of content for the Victims of Crime Web Portal, which is being developed as part of the “Tavolo di coordinamento per la creazione di una rete integrata di servizi di assistenza alle vittime di reato” set up at the Ministry of Justice and that involves several institutions, such as the Ministry of the Interior, the State-Regions Conference, the CNF, Rete DAFNE, the CNR and, for the Academy, the CRUI and the Department of Law of the University of Roma Tre. The Clinic also intends to contribute, in coordination with the CNR, to the constant and efficient updating of the contents of the aforementioned Web Portal of Victims of crime, through the constant monitoring of the existing case-law and of the implementations of the regulations on the protection of the offended person, also in a supranational perspective.

Finally, the course activities aim to promote knowledge on legal practice concerning the rights and assistance of crime victims by law students.

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Report of Activities

In line with these programmatic intentions, the Clinic's activities took the form of a cycle of ten meetings, which were held online on the Teams platform.

In order to allow the widest possible participation, it was decided not to provide any particular access requirements: even students with no prior knowledge of criminal law could enroll in the Clinic and attend the lessons. This made it necessary to dedicate a series of meetings – specifically, the first two – to a general examination of the topics involved. An attempt was therefore made to provide participants with a series of preliminary notions, useful to enable them to actively and consciously contribute to the Clinic's objectives. First, the criminological and legal notion of the 'victim' was analysed; its role within the criminal system, both with reference to the construction of offences and with reference to its position in the dynamics of proceedings; the slow regulatory evolution that has led from a substantial lack of interest in this procedural subject to its profound rediscovery, up to the recent trends that shape a real protagonism of the person offended by the crime. Particular attention, from this point of view, had to be reserved to the indications coming from supranational sources, which have marked some fundamental stages of this path. In particular, Council Framework Decision of 29 April 2001 on the standing of victims in criminal proceedings (2001/220/JHA) and Directive 2012/29/EU of the European Parliament and of the Council, which established minimum standards on the rights, support and protection of victims of crime. The supranational perspective was also deepened thanks to the participation of Dr. Chiara Congestri, Legal Assistant at the European Parliament, who reported on some reform projects currently being studied by the Union institutions.

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The next three meetings were dedicated to the participatory study of some important cases related to the victim theme: the famous Pupino case (Court of Justice, Grand Chamber, 16 June 2015), a leading case on the effectiveness of community sources and the harmonisation of European criminal proceedings; the emblematic case of the Rignano Flaminio nursery school, the analysis of which enabled students to become familiar with the particular subject of the psychology of the testimony of children and minors and with the procedural tools dedicated to the acquisition of such peculiar and delicate cognitive contributions; the Savi case, which caused such a stir in public opinion, analysed with the contribution of the civil plaintiff's lawyer, Chiara Graffer, who retraced all the stages of the troubled judicial process, also offering a particular perspective of the complex relationship between lawyer and defendant. A further moment of reflection was then devoted to the analysis of some less known cases, dealing with the subject of gender violence, with the contribution of lawyer Diletta Perugia, specialised in this kind of proceedings. To reach the objective of contributing to the implementation of the contents of the Web Portal, mentioned above, the next three meetings were developed in the form of a workshop. The students were asked to work – also from home – in homogeneous groups, to try to structure a workflow suitable to reproduce the online search mechanism from the point of view of a possible victim of a crime. Thus, we tried to imagine a guided path that would provide the user with all the necessary information, as well as accompany him/her throughout a possible criminal procedure.

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Alongside information on victims' rights, useful contact numbers, or the steps following a possible complaint-suit, particular attention was paid to the needs of psychological assistance of the victim user. In order to better understand this last issue, the help of Rete DAFNE, an association that has been active in the field of victim protection for many years, proved invaluable. It was therefore an integrated approach between the legal and human dimensions of the phenomenon.

The Clinic experience ended with a particularly touching meeting, held, this time, in presence. We devoted a moment of reflection to the theme of restorative justice, thanks to the testimony of Agnese Moro, daughter of statesman Aldo Moro, killed by the "Brigate Rosse" on 9 May 1978. Mrs Moro, in a passionate dialogue with the students, described the long and arduous path of reconciliation that has seen the protagonists, victims and relatives of the victims of Brigade Rosse terrorism.