

JUVENILE CRIMINAL LAW

Academic Year 2018/2019

Prof. Giacomo Pace

Prof. Corrado Rizzo

Prof. Giuseppina Panebianco

◆ Training objectives

The aim of lecture course is to provide students with the knowledge of substantive and procedural criminal law relating to minors.

◆ Prerequisite

The prerequisite is to pass the exam of criminal law I and criminal procedural law.

◆ Course content

The course consists of three parts: the first part introduces the topic of juvenile criminal law by analyzing the history of the legal concept of minor's criminal liability from Roman law to the twentieth century's codifications; the second part concerns the analysis of the substantial criminal law provisions from the perspective of both young offender and child victim of crimes; in the second part are also examined the international law provisions about juvenile criminal matters. The third part concerns the law provisions of criminal procedure relating to the child's protection in ordinary criminal proceedings and in juvenile criminal proceedings.

SYLLABUS

1. Historical profiles of minor's criminal liability. - 2. The young offender: particularly criminal liability and social dangerousness in the juvenile criminal law. - 3 The juvenile sanction system. - 4. The criminal offences to protect the child: a) sexual abuse. - 5. b) The criminal offenses relating to child prostitution and pornography; possession of child pornography; virtual child pornography; tourism initiatives directed to the exploitation of child prostitution; instigation to paedophilia and child pornography; child grooming. - 6. The juvenile criminal procedure: a) general law provisions and law provisions relating to personal liberty. - 7. b) Early conclusion of juvenile criminal proceedings and judgment in trial.

RECOMMENDED TEXTS

A) For **point 1** of the syllabus: G PACE, *Il discernimento dei fanciulli. Ricerche sulla imputabilità dei minori nella cultura giuridica moderna*, Torino, 2000, **cap. IV** (pp. 93 – 131).

B) For **points 2 and 3** of the syllabus: AA.VV., *La giustizia penale minorile: formazione, devianza, diritto e processo*, a cura di A. Pennisi, Giuffrè, 2^a ed., Milano, 2012: **cap. IV** (pp. 117-179).

For **points 4 e 5** of the syllabus: FIANDACA-MUSCO, *Diritto penale. Parte speciale*, vol. II, *tomo I, (I delitti contro la persona)*, IV ed., Zanichelli, Bologna, 2013: pp. 160-191; 243-272.

C) For **points 6 and 7** of the syllabus: AA.VV., *La giustizia penale minorile: formazione, devianza, diritto e processo*, a cura di A. Pennisi, Giuffrè, 2^a ed., Milano, 2012: **cap. VI** (pp. 311-321; 331-351; 355-425).

Students are required to complement the study subject using an **updated Criminal Code and an updated Criminal Procedure Code**. To this purpose it is recommended: *Codice penale e procedura penale e leggi complementari*, a cura di F. Ramacci, G. Spangher, Giuffrè, Milano.

NOTE

Students are required to use the latest edition of the recommended texts. **Supplementary didactic materials** will be provided before the lectures to ensure constructive participation at the course. These materials will be made available on the webpage *E-Learning*.

◆ Teaching methods

Traditional lectures during which students have the opportunity to contribute through comments and questions.

◆ Teach check mode

The acquisition of learning results is verified with a final oral examination. The exam consists of a set of questions relating to fundamental parts of the program. The candidate is required to demonstrate an appropriate level of knowledge and understanding, critical maturity, the skill to solve specific legal problems and correct communication skills (particular attention will be given to the appropriate use of technical terms). The acquisition of the subject is assessed by numerical rating (18/30 – 30/30).