# Juvenile and Family Criminal Law

## Prof. Lara Ferla

***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

The course explores the issue of minors in criminal law from a dual perspective: minors as victims of crimes and minors as offenders, with a special focus on the criminogenic role of the family. The analysis of these issues will embrace an interdisciplinary method to check the legal substantive and procedural categories of the current juvenile criminal system as a system whose main purpose is the protection of minors through and from criminal law. Hence, the aim of the course is to draw the lines of a juvenile criminal law compliant with the constitutional and international perspective, starting from both substantive and procedural law in force. At the end of the course, students will be able to understand the general categories of juvenile criminal law and juvenile criminal proceedings, through an in-depth study of some peculiar institutions of juvenile criminal justice, as well as to acquire a basic knowledge of the fundamentals of substantive and procedural institutions for the protection of juvenile victims.

***COURSE CONTENT***

*Part I*: The person of the minor.

1. Minors in international Conventions: rights and protection of minors.

2. Minors in the Italian Constitution: fundamental rights and protection.

*Part II*: Minors in the criminal justice system.

1. Evolution and criminal policy in the juvenile criminal system.

Sect. A

2. Minors as victims of crimes: the protection perspective:

– in the family;

– against sexual offence conducts;

– against sexual abuse conducts: paedophilia and sexual exploitation.

3. Criminal proceedings and protection of minors victims of offences.

Sect. B

4. Minors as offenders:

– the issue of imputability and its establishment;

– Juvenile delinquency: political-criminal, socio-psychological, empirical-statistical considerations;

– the penalty system and minority.

5. The regulatory responses to juvenile unease and juvenile delinquency: Juvenile Court, the Rocco Code; the juvenile criminal proceeding in 1988.

***READING LIST***

M. Bertolino, *Il minore vittima di reato,* Giappicchelli editore, Turin, latest ed.

M. Bertolino (edited by), *Materiali per il corso di Diritto penale della famiglia e dei minori,* coursepack available at EDUCatt, Milan.

Suggested reading material:

M. Bertolino-A. Quadrio, *Adulti e minori di fronte alla legge. Prospettive attuali di psicologia giuridica,* EDUCatt, Milan, 2014.

M. Bertolino, *Convenzioni,* *direttive e legislazione nazionale: un fronte comune di lotta contro i delitti a sfondo sessuale a danno di minori nella legge di ratifica n. 172/2012*, Giappichelli, Turin, 2014, 2nd edition, e-book.

***TEACHING METHOD***

Lectures. Conferences and meetings with specialists. Interested students may also participate in a comprehensive cycle of lectures on Rehabilitation communities in the juvenile crime system, for which the Faculty will award training credits.

***ASSESSMENT METHOD AND CRITERIA***

Assessment will be based on an oral exam; for students who have attended the lectures regularly it will focus mainly on the topics covered during the course, while for non-attending students it will be based on the topics included in the textbooks. The exam will consist of questions on each of the two parts of the course; students will be awarded a final mark out of thirty which will take into account presentation, argumentative and critical skills, too.

***NOTES AND PREREQUISITES***

The six-month course consists of 30 hours (5 ECTS credits with the possibility of adding 1 ECTS). There are no specific prerequisites for the course since it aims to provide a basic knowledge of the fundamental concepts of criminal law and proceedings, in particular as regards juvenile offenders.

In case the current Covid-19 health emergency does not allow frontal teaching, remote teaching will be carried out following procedures that will be promptly notified to students.

Further information can be found on the lecturer's webpage at http://docenti.unicatt.it/web/searchByName.do?language=ENG, or on the Faculty notice board.