

Academic Year: ( 2019 / 2020 )

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Department assigned to the subject: Criminal Law, Procedural Law and History Law Department

Coordinating teacher: OTERO GONZALEZ, MARIA PILAR

Type: Electives ECTS Credits : 3.0

Year : 1 Semester : 0

## REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Bachelor degree in Law.

Knowledges of Criminal Law are required.

## OBJECTIVES

Students to achieve sufficient capacity to understand the elements of this crime.

Students detect the main problems they will encounter regardless of the type of crime, the most appropriate in each case, and research strategies to know and manage the technical means with which to solve complex cases.

That the students can assume different procedural roles, prosecution or defense, strength and defend their arguments in both cases.

Students acquire the proper training and knowledge for development related to the exercise of criminal legal professions practice in this area.

That the students can identify and solve with ease the particular problems of the various criminal types thanks to a solid methodological training.

Students develop the skills necessary to assist detained and charged that require a lawyer.

They may make findings consistent with a criminal investigation and forensic evidence to solve the problems arising during the criminal proceedings related to gender violence

Know communicate clearly and succinctly the hypotheses that can be formulated into the scene of these crimes, in research, the methodology and the practical implications of the police investigation and in his court case or the prosecution.

## DESCRIPTION OF CONTENTS: PROGRAMME

I. Introduction: Overview of the problem of gender violence in Europe and Latin America. social impact. Data and numbers. institutional for the eradication of violence against women policies. Information, detection and action plans.

II. Budgets for analysis of constitutional criminal law. Pronouncements of the Constitutional Court in the matter of possible fundamental rights affected: principle of equality, right to privacy, right to freedom, principle of proportionality, principle of criminality, principle of guilt, presumption of innocence.

III. International Legal Instruments: 1. United Nations. 2. American Commission of Women. 3. European Union.

IV. criminal legal treatment in Spain

1. Introduction. Concept and general aspects of Gender Violence. Demonstrations. legislative and jurisprudential evolution to 1/2004 of 28 December on Integrated Protection Measures against Gender Violence. Of the offenses of domestic violence to crimes of violence: increased punitive concept of regularity and expanding the fields of application of the typical behaviors.

2. Analysis of specific offenses

A. The crime of occasional abuse (art. 153 CP). General Issues. Legally protected. active and passive subjects. typical behavior. Specific aggravations: in the presence of minors, using weapons, which take place in the shared home or the home of the victim, which is made by breaking a penalty of those referred to in art. 48 CP or an interim or security measure of the same nature. specific attenuation. Contests.

B. The crime of habitual violence (Art. 173.2 and 3). General Issues. Legally protected. active and

passive subjects. typical behavior. The concept of regularity. The insolvency rule. Specific aggravations.  
 C. Injury art. 148.4º and 5th.  
 D. Threats of art. 171, 4th, 5th and 6th.  
 E. constraints of art. 172.2 and art. 620.2º last paragraph.  
 F. Reference to the fact mixed parentage (art. 23).  
 3. Punishment. PENALTIES (arts. 39, 48, 57). precautionary measures (art. 544 ter LEC). Security measures (art. 105.1 g). Breach of penalties and precautionary measures. Control of compliance with the restraining order: special reference to electronic devices in aid of the victims.  
 4. Suspension (art. 83.1 CP), substitution (88.1,3), probation (93 and 64 CP 1/2004).  
 V. comparative law. 1. Criminal Codes Europeans: A) Germany B) Austria C) France E) Italy. 2. Reference to Latin American systems.  
 VI. Other manifestations of gender violence.

## LEARNING ACTIVITIES AND METHODOLOGY

During the two weeks of online learning, the students shall review and study the materials, power points , judgments and the audiovisual material provided. They must also solve a practical case.

Tutorials : The tutorials will be conducted daily through Skype or email.

- Attendance Part In Madrid: the students shall attend the activities, conferences and seminars planned.

## ASSESSMENT SYSTEM

<b>% end-of-term-examination/test:</b>	30
<b>% of continuous assessment (assignments, laboratory, practicals...):</b>	70

Ordinary call:

- Case study or report- 40%
- Participation in forums - 30%
- Multiple choice test during the weeks in Madrid - 30%

Extraordinary call (June) IN-PERSON:

- 100% Exam (multiple choice or open questions) or case study/report

## BASIC BIBLIOGRAPHY

- Puente Aba, Luz María La respuesta penal a la violencia de género : lecciones de diez años de experiencia de una política criminal punitivista , Comares , 2010
- Ramón Ribas, Eduardo La protección frente a la violencia de género : tutela penal y procesal , Editor: Dykinson,, 2010
- Hernández Domínguez, Juan José Reformas necesarias en el Código Penal respecto a la violencia de género Autor , En: La ley penal: revista de derecho penal, procesal y penitenciario 101, 2013
- Batricevic Ana The reaction to femicide in criminal law, Temida, vol 19 (3-4) 2016
- Caballero Gea, José-Alfredo Violencia de género juzgados de violencia sobre la mujer penal y civil : síntesis y ordenación de la doctrina de los Tribunales y Fiscalía General del Estado, Madrid Dykinson, 2013
- Gudín Rodríguez-Magariños, Faustino El "nuevo" elemento subjetivo del tipo configurador de los delitos de violencia contra la mujer : consecuencias jurídicas de las SSTs de 8 de junio y de 24 de noviembre 2009 , En: La ley penal: revista de derecho penal, procesal y penitenciario . -- ISSN 1697-5758 . -- Nº. 72 (, 2010),
- Martínez García, Elena La orden de protección europea : la protección de víctimas de violencia de género y cooperación judicial penal en Europa , Tirant lo Blanch, 2016

- Núñez Castaño, Elena Estudios sobre la tutela penal de la violencia de género , Valencia: Tirant lo Blanch, 2010
- Otero González, Pilar La libertad vigilada aplicada a ¿imputables?, Dykinson, 2015
- Otero González, Pilar Control telemático de penados: analisis jurídico, económico y social, Tirant lo blanch, 2008