

Juvenile justice system

Academic Year: (2020 / 2021)

Review date: 13-07-2020

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

Coordinating teacher: FIODOROVA , ANNA

Type: Electives ECTS Credits : 3.0

Year : 1 Semester : 1

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Spanish Judicial System
 Law of Criminal Proceedings
 Criminal and Civil Law

OBJECTIVES

BASIC SKILLS

1. To get knowledge and understanding that provide a basis or opportunity for originality in developing and/or applying ideas, often within a research context
2. To be able to apply obtained knowledge in solution of problems in new or unfamiliar environments and within broader (or multidisciplinary) contexts
3. To be able to integrate knowledge and to handle complexity of formulation of judgments based on information that, being incomplete or limited, include considerations on social and ethical responsibilities related to the application of their knowledge and judgments
4. To communicate clearly and unambiguously conclusions, as well as the knowledge and reasons on which they are based, to specialised and non-specialised audiences
5. To have the learning skills that enable to continue studying in a manner that to the large extent will be self-directed or individual

GENERAL SKILLS

1. To draft high-quality legal reports
2. To demonstrate that the knowledge on basic research methods and principles of criminal procedure area has been acquired
3. To manage information sources of the Criminal Justice
4. To elaborate scientific-legal texts and to carry out efficiently their analysis
5. To apply knowledge about criminal and procedural institutions in performance of legal functions

SPECIFIC SKILLS

1. To acquire the proper training and knowledge for the development of professions linked to or embedded in the Juvenile Justice System
2. To develop the skills necessary for application of the procedure established in the Organic Law on the Criminal Responsibility of Minors
3. To achieve sufficient capacity for efficient elaboration of writs in criminal proceedings on juveniles
4. To demonstrate ability of assimilation with different roles in the process (accusation, defense, judge), as well as with their strategies of argumentation

LEARNING OUTCOMES ACQUIRED BY THE STUDENT

- To understand the evolution of the model and the criminal policy of the Juvenile Justice System in Spain
- To determine of cases in which proceedings have to be started in a Juvenile Court
- To know the different actions to be developed at different stages of the process and the role of professionals involved
- To master the content of the measures envisaged in the Juvenile Penal Law and to distinguish their origin
- To understand the goals and possibilities of dejudicialising foreseen by the Organic Law on the Criminal Responsibility of Minors
- To have ability of clear and rational communication of the hypothesis that could be developed in this jurisdiction as well as of coherent conclusions in this area

DESCRIPTION OF CONTENTS: PROGRAMME

1. THE JUVENILE JUSTICE SYSTEM IN SPAIN

- 1.1. Historical Perspective
- 1.2. Models and evolution

2. ADOLESCENTS, MINORS AND CRIMINAL ANSWER

3. CRIMINAL POLICY ON JUVENILE CRIMINAL LAW

4. CRIMINAL RESPONSE IN JUVENILE CRIMINAL LAW: THE MEASURES AND THEIR EXECUTION

- 4.1. The measures provided for in the Juvenile Criminal Law
- 4.2. The custodial measures
- 4.3. The non-custodial measures
- 4.4. The execution of measures
- 4.5. The juvenile detention centers

5. JUVENILE CRIMINAL PROCESS: GENERAL QUESTIONS

- 5.1. Scope of application of the juvenile criminal process
- 5.2. Principles of the juvenile criminal process
- 5.3. Actors involved in the juvenile criminal process
- 5.4. Juvenile Courts

6. JUVENILE CRIMINAL PROCESS

- 6.1. Investigation
- 6.2. Allegations
- 6.3. Precautionary measures
- 6.4. Trial, judgement and appeals

7. JUVENILE CRIMINAL MEDIATION

- 7.1. Introduction: principle of opportunity in the juvenile criminal process
- 7.2. Concept of the juvenile criminal mediation
- 7.3. Dismissal of the process on the basis of the conciliation or reparation between the minor and the victim
- 7.4. Substitution of the measure foreseen by conciliation or reparation
- 6.1. The chances of dejudicialisation
- 6.2. Mediation in the Organic Law on the Criminal Responsibility of Minors.

LEARNING ACTIVITIES AND METHODOLOGY

LEARNING ACTIVITIES

Theoretical classes
Practical classes
Theoretical-practical classes
Work in groups
Student's individual work

METHODOLOGY:

* THEORETICAL SESSIONS

- Master classes with the explanation of the theoretical concepts necessary for the understanding the subject matter: the student will be given with the materials and bibliography needed to monitor lesson

* PRACTICAL SESSIONS

- Practical sessions with the application of the concepts learnt in master classes
- Analysis and discussion of practical cases in different formats.

* THEORETICAL-PRACTICAL SESSIONS

- Case law or documents analysis
- Seminars/visits

* WORK IN GROUPS

- Development of reports based on real practical cases
- Debates guided by the teacher.
- Work in groups supervised by the teacher/expert of the subject matter

* INDIVIDUAL WORK

- Elaboration of individual papers about the precise topics of the subject

TUTORSHIPS:

Teachers will conduct permanent monitoring of interventions made by the student and will ensure quick response to any doubts or questions

ASSESSMENT SYSTEM

Student's work is evaluated during the course and the grade consists of:

ORDINARY CALL

- * Up to 60% - Final exam
- * Up to 40% - Continuous evaluation:
 - Up to 10% - Participation and assistance
 - Up to 30% - Practical cases

EXTRAORDINARY CALL

- * Up to 60% - Final exam
- * Up to 40% - Practical cases

% end-of-term-examination:	60
% of continuous assessment (assignments, laboratory, practicals...):	40

BASIC BIBLIOGRAPHY

- COLOMER HERNÁNDEZ, IGNACIO et al Mediación con menores infractores en España y los países de su entorno (Esther González Pillado, coordinadora), Tirant lo Blanch, 2012
- DÍAZ MARTÍNEZ, MANUEL et al Derecho penal juvenil: LO 5/2000, de 12 de enero, reguladora de la Responsabilidad Penal de los Menores, revisada y puesta al día..., Dykinson, 2008
- DÍAZ-MAROTO Y VILLAREJO, JULIO et al Comentarios a la ley reguladora de la responsabilidad penal de los menores, Thomson Aranzadi, 2008
- DÍAZ-MAROTO Y VILLAREJO/ B. FEIJOO SANCHEZ/ L. POZUELO PÉREZ Comentarios a la Ley reguladora de la Responsabilidad Penal de los Menores, 2ª ed. , Thomson-Reuters Civitas, 2019
- GRANDE SEARA, P., PILLADO GONZÁLEZ, E. La Justicia Penal ante la violencia de género ejercida por menores, Tirant Lo Blanch, 2016
- MONTERO HERNANZ, TOMÁS La justicia penal juvenil en España legislación y jurisprudencia constitucional, Editorial Club Universitario, 2007
- MORENO CATENA, VÍCTOR et al Proceso penal de menores (Esther González Pillado, coordinadora), Tirant lo Blanch, 2009
- ORNOSA FERNÁNDEZ, MARÍA ROSARIO Derecho penal de menores: comentarios a la Ley Orgánica 5/2000, de 12 de enero, reguladora de la responsabilidad penal de los menores, reformada..., Bosch Casa Editorial S.A., 2007
- PILLADO GONZÁLEZ, E. (dir.) Hacia un proceso penal más reparador y resocializador: avances desde la Justicia terapéutica, Dykinson, 2019
- POLO RODRÍGUEZ, JOSÉ JAVIER et al La nueva ley penal del menor, Colex, 2007
- URBANO CASTRILLO, EDUARDO DE et al La responsabilidad penal de los menores: adaptada a la LO 8/2006, de 4 de diciembre, Aranzadi, 2007

ADDITIONAL BIBLIOGRAPHY

- AAVV Sobre la mediación penal: posibilidades y límites... (Pedro María Garciandía González, Helena Soletó Muñoz, directores; Sabela Oubiña Barbolla, coordinadora), Thomson Reuters-Aranzadi, 2012
- COLÁS TURÉGANO, MARÍA ASUNCIÓN et al Aspectos sustantivos y procesales del régimen de responsabilidad civil en la LO 5/2000 (modificada por LO 8/2006 de 4 de diciembre), reguladora de la responsabilidad penal de los menores, Servicio de Publicaciones Universidad de Santiago de Compostela: Estudios penales y criminológicos, nº 27, 2007, págs. 143-190.
- CRESPO MARTÍN, CARMEN et al Mediación, respuestas administrativas y soluciones extrajudiciales en el ámbito de la responsabilidad penal de los menores, Asociación Madrileña de Mediadores: Revista de mediación, nº 11, 2013, págs. 28-33..
- DE LA CUESTA, I., SUBIJANA, I.J. Justicia Restaurativa y Terapéutica. Hacia innovadores modelos de justicia, Tirant lo Blanch, 2017
- DÍEZ RIPOLLÉS, JOSÉ LUIS et al La delincuencia juvenil ante los juzgados de menores, Tirant lo Blanch, 2008
- HERRERO HERRERO, CÉSAR Delincuencia de menores: tratamiento criminológico y jurídico, Dykinson, 2008
- MARTÍNEZ SOTO, TAMARA Mediación penal y su implantación en España: Ámbito de la responsabilidad del menor. Estudio comparativo con Reino Unido, Riedpa: Revista Internacional de

Estudios de Derecho Procesal y Arbitraje, nº 1, 2011..

- SOLETO MUÑOZ, H. CARRASCOSA, A. Justicia restaurativa: una justicia para las víctimas, Tirant lo Blanch, 2019