

Academic Year: (2023 / 2024)

Review date: 19/05/2023 22:11:18

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

Coordinating teacher: JULLIEN DE ASIS, JESSICA LAURA

Type: Electives ECTS Credits : 3.0

Year : 1 Semester : 2

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Bachelor degree in Law.

Knowledges of Criminal Law are required.

OBJECTIVES

It is an elective subject, whose primary objective is that students acquire knowledge in criminal law and gender procedural law both national and comparative, and also approach the constitutional analysis of the problems presented by domestic and gender violence.

and comparative, and also to approach the constitutional analysis of the problems presented by domestic and gender violence. The following points will be dealt with: The magnitude of the phenomenon as an objective reality, the social framework that maintains this violence, and the measures adopted from different spheres to prevent it.

and the measures adopted from different spheres to eradicate it. European and Latin American criminal policy and its results will also be addressed.

and its results. It will also address the issue that affects the precautionary measures, and the penalties imposed on gender-based crime.

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.

For all this, synchronous sessions will be scheduled to deepen in complex elements in order to promote a critical approach.

FORMATIVE ACTIVITIES:

- Synchronous online theoretical class
- Online practical classes (Case studies)
- Tutorials
- Individual work
- Exams

*The tutorials will be conducted daily through Skype or email.

ASSESSMENT SYSTEM

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

ORDINARY CALL

- Resolution of a case study or report - 45%.
- Participation in the forums - 15%.
- Evaluation test - 40%.

The student must obtain at least a grade of 3 out of 6 in the continuous evaluation (forum and resolution of a practical case / report), and 1.8 out of 4 in the multiple-choice test. If he/she does not obtain said score, he/she will be failed and must attend the extraordinary call.

EXTRAORDINARY CALL:

- 100% Exam (multiple-choice or development questions) or practical case.

In any case, non-participation in the on-site phase of the Master's Degree will prevent the student from obtaining the degree.

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: análisis jurídico, económico y social, Tirant lo blanch, 2008