



Session 19

Criminal Law 2

Swiss penal code

General Part highlights:

- Principle: there can not be punishment without law.
- Application and jurisdiction of the code.
- Distinction between crime (serious wrongful acts) and offence (less serious wrongful acts).
- Principle: one is punishable if one has intentionally committed a crime or an offence; negligence is punishable when one has not done everything in one's power to prevent the action from happening.
- Circumstances when the media are punishable.
- Different types of sentences and conditional sentencing.

Swiss penal code (cont.)

- Care of addictions and addicts.
- Conditional liberation (on parole).
- Interdictions to exercise a profession, expulsion and extradition from the Swiss territory.
- Process for determining the sentence.
- Prescriptions of the legal action and prescription of the sentence.
- Rehabilitation.
- Prescriptions concerning children and youth.

Swiss penal code (cont.)

Special Part deals with crimes against:

Physical integrity; Heritage; Honor and private sphere; Liberty; Sexual integrity; Family; Public; Public health; Public communications; Falsification of money; Falsification of documents; Public peace; State; Popular will; Public authority; Relations with foreign states; Justice; Functions and professional duties; Corruption; Federal statutes.

Canadian criminal code

Specific types of offences:

Public order; Terrorism; Firearms and other weapons; Administration of law and justice; Sexual offences, public morals and disorderly conduct; Privacy; Disorderly houses, gaming and betting; Person and reputation; Rights of property; Fraudulent transactions and trade; Property; Currency; Drugs.

Canadian criminal code (cont.)

Of general character:

- Attempts, conspiracies, accessories.
- Jurisdiction.
- Powers of certain officials, procedural irregularities, exclusion of public in certain cases, forensic DNA analysis, search warrants, offence-related property.
- Arrests
- Language of the accused.
- Procedure on preliminary inquiry, evidence.
- Indictable offences, summary convictions.

Canadian criminal code (cont.)

- Trial without jury, procedure in jury trials.
- Mental disorder.
- Appeals, extraordinary remedies.
- Sentencing, dangerous offenders and long-term offenders.

ACTIVITY: in teams of 3-4, and using the above information, construct a table for comparing criminal/penal laws/codes; brainstorm comparative criteria beforehand.