

INTERNATIONAL UNION OF JUDGES
3rd Study-Commission : Penal Law and Penal Procedure
Vienna 1981

Theme : The protection in penal procedure of the physically or mentally handicapped delinquent

II.

O u t l i n e o f q u e s t i o n s

I. Significance of the physical handicap of a delinquent

1. material legal consequences
2. procedural consequences
3. procedure to establish the existence of a physical handicap

II. Significance of the mental handicap of a delinquent

1. material legal consequences
 - a) in the case of a criminally responsible delinquent
 - b) in the case of a criminally irresponsible delinquent
 - c) in the case of specific dangerousness
 - aa) where an irresponsible delinquent is concerned
 - bb) where a responsible delinquent is concerned
2. procedural consequences
 - a) establishment of the existence of responsibility or irresponsibility
 - b) establishment of the existence of specific dangerousness
 - aa) in the case of an irresponsible
 - bb) in the case of a responsible delinquent
3. Should there be an obligation for the delinquent to submit to a medical examination ?

III. Concluding remarks

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