

Debora Provolo

Presentation of the Conference

The Conference is an initiative developed within the Young Scholars Project 2011 (*“Progetto Giovani Studiosi”*) entitled *“The impact of genetics on criminal law: the protection of genetic identity and genetic privacy”*, presented by dr. Debora Provolo at the University of Padua, which found it worthy of being financed.

The objective of this Conference, which is structured in two days – today at the Padua branch of the School of Law and tomorrow at the branch of Treviso – is precisely that of offering an overview on the different and complex aspect of “impact” that genetics and robotics have on law, and criminal law in particular. It is therefore a conference having not only penal legal character, since it aims at interdisciplinarity both within the legal field and out of it. Indeed, the subject lends itself to be dealt with from different perspectives, capable of reciprocal interaction: that of biology and medical science, that of technology, that of philosophy, that of law and also other which are not represented in the Conference, but are kept in consideration by the wider mentioned Project.

From a strictly legal point of view, many are the suggestions. The problems related to genetics and robotics interest, to keep within the main fields, international and European law, constitutional law, private law, criminal law, civil and criminal procedure, administrative law.

Genetics and robotics are characterised by strong developmental dynamics, in which the reaching of extraordinary achievements goes together with the constant proceeding towards ever more advanced results. These two sectors are unavoidably destined to fuel both the ethical-philosophical reflection and the debate on the legal implications of the most recent scientific achievements. The hopes with which the many, potential and effective, benefits for the human being connected to the “genetic revolution” and to the new technologies of biorobotics are welcomed are accompanied by the strong worries for the prejudicial effects for the fundamental rights of the human being and the future generations.

A thorough reflection on the role of law in the regulations of science and on the adequacy of the “traditional” legal instruments (and especially of criminal law) to face the new forms of aggressions to the rights of the person, on the one hand, and, on the other hand, to protect “new” fundamental rights emerging as a consequence of scientific and technological developments, or to catch new modalities of harm, then also to assess the validity of classic penal institutes. For instance, we need to discuss the influence of the most

recent achievements of neurosciences on imputability. Thus, a vital organ for criminal law is interested: culpability.

However, it is an impervious ground, not only for the underlying bioethical implications, but also because the possibility of intervening on the individual genetics inheritance – by manipulating it, by altering it, even by performing man-machine hybridisations –, like the possibility of “reading” its characters – by establishing the presence of genetic variations responsible of present pathologies or of pathologies which might appear in the future, or of a predisposition of the individual to engage in certain behaviours – force lawyers to confront the complexity and the uncertainties of biomedicine and the most modern technologies.

The complexity of the framework here synthetically traced reflects on the variety of talks which will follow one another in the two days of the Conference, talks which range from medically assisted procreation to behavioural genetics and neurosciences, to forensic genetics, to the penal protection of genetic data also in the light of new computer technologies, to the biotechnological strengthening of the person, to the discrimination based on genetics.

The contribution offered by the presence of many illustrious scholars coming from different Countries in the world is precious. Some of them dedicated most of their researches precisely to the subjects of this Conference. We will get interesting cues for reflection in a comparative perspective. We are pleased, given the interdisciplinary vocation of this meeting, to enjoy the contribution of authoritative scholars of extra-legal fields, capable to explain the strictly scientific aspects of the relevant topics. We thank all the authoritative speakers and especially those who came from afar to bring their teaching. The Conference will be a profitable occasion to stimulate the critical reflection on a central theme for contemporary criminal law.