

Curriculum Vitae et Studiorum

Gaetana Morgante

1. Personal information

<p><i>Name and Surname:</i> Gaetana Morgante <i>Birthdate:</i> 23 January 1974 <i>Born in:</i> Adria (RO) - Italy <i>Citizenship:</i> Italian <i>Sex:</i> Female <i>Status:</i> married, 2 children aged 12 and 10 <i>Address:</i> Via Giuseppe Broggi n.22 Milano (MI, Italy) <i>Telephone:</i> +39 050 883237 <i>E-Mail:</i> gaetana.morgante@santannapisa.it</p>	 A portrait photograph of Gaetana Morgante, a woman with long, wavy blonde hair, wearing a dark top and pearl earrings. She is looking directly at the camera with a slight smile. The background is softly blurred, showing green foliage and a white architectural element.
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2. Current position

Full Professor of Criminal Law at the Sant'Anna School of Advanced Studies – DirPolis Institute (since November 1th 2019).

3. Education

1987-1992:

High school diploma from the Classic High School “Eschilo”, Gela (CL), Italy (60/60);

1992:

Admission to the **Undergraduate Course in Legal Sciences** at the **Sant’Anna School of Advanced Studies** of Pisa (1st out 3 places available);

October 1996:

MSc degree in Law from the University of Pisa, Italy (110/110, *magna cum laude*) with a thesis on "The *mens rea* in complicity";

January 1997 - December 2000:

PhD in Criminal Law - Sant’Anna School of Advanced Studies of Pisa (100/100, *cum laude*) with a thesis on “Theory and praxis of organised crime”.

4. Career

November 2019

Full Professor in Criminal Law.

November 2015 – October 2019:

National Scientific Habilitation as Full Professor in Criminal Law (SSD IUS/17 - SC 12/G1);

April 2009 - present:

Associate Professor in Criminal Law at the Sant’Anna School of Advanced Studies, Pisa, Italy –
- full time and confirmed by D. R. n.756 November, 17 2009;

From April, 27 2007 to September, 27 2007 (D. R. N. 287 May, 31 2007) and **from August, 29 2009 to January, 28 2010** (D. R. n.689 October, 19 2009):

Maternity Leaves;

November 2005 – April 2009:

Associate Professor in Criminal Law at the Sant'Anna School of Advanced Studies, Pisa, Italy – status: full time and to be confirmed;

2004

Research fellow at Sant'Anna School of Advanced Studies, Pisa, Italy;

2003

Research fellow at the Université Catholique de Louvain - Faculté de droit;

2001-2002

Cnr-Nato Excellence Research Fellow at Max Planck Institute for foreign and international criminal law of Freiburg im Breisgau – Germany;

April 2000:

National Qualification for professional lawyer.

5. Teaching activities

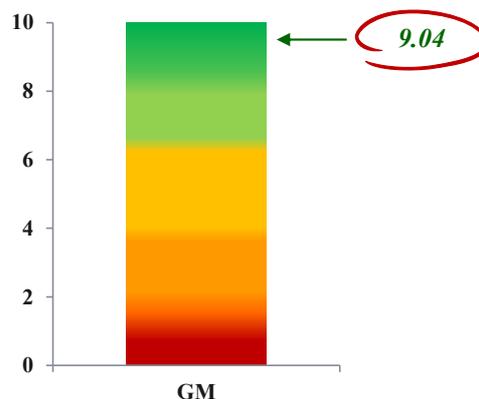
5.1. Undergraduate teaching activities

5.1.1. Teaching activities at the Sant'Anna School of Advanced Studies:

- a. ys. 2005/2006 and 2006/2007 Course on “**Organised Crimes at national and international level**” (60 h 6 CFU);
- a.y. 2006/2007 (I term) Course on “ **Criminal law and procedure**” (30 h 3 CFU);
- a.y. 2007/2008 Course on “ **Transnational organized crime**” (60 h 6 CFU);
- a.y. 2008/2009 Course on “ **Labour criminal law**” (60 h 6 CFU);
- a.y. 2009/2010 (II term) Course on “ **The relation between substantial and procedural criminal law**” (30 h 3 CFU);
- a.y. 2010/2011 Course on “ **Criminal law concerning food regulation**” (30 h 3 CFU) and

- Course on “ **Case law on labour criminal law**” (30 h 3 CFU);
- a.y. 2011/2012 Course on “ **The protection of the workplace safety at a European level**” (30 h 3 CFU), Course on “ **Criminal law and immigration**” (10 h 1 CFU) and Course on “**Cybercrimes**” (20 h 2 CFU);
 - a.y. 2012/2013 Course on “ **The concept of crime in the procedural criminal code**” (40 h 4 CFU) and on “**Criminal law and safety transportation protection**” (30 h 3 CFU);
 - a.y. 2013/2014 Course on “**The evolution of associative crimes**” (30 h 3 CFU) and Course on “**Theory and praxis of criminal law legislative reforms**” (30 h 3 CFU);
 - a.y. 2014/2015 Course on “**The Thyssen-Krupp case**” (30 h 3 CFU) and Course on “**Criminal issues in the Workers Statute**” (30 h 30 CFU);
 - a.y. 2015/2016 Course on “**Money Laundering and Self Money Laundering crimes**” (20 h 2 CFU), Course on “**Criminal law and cultural heritage**” (10 h 1 CFU) and “**Precaution principle and food regulation: criminal law issues**” (30 h 3 CFU);
 - a.y. 2016/2017 Course on “**Prevention and Punishment of public corruption**” (30 h 3 CFU) and on “**Food regulation: principles, rules and sanctions**” (10 h 1 CFU);
 - a.y. 2017/2018 Course on “**Business Integrity Country Agenda**” (30 h 3 CFU), “**Gender based violent crimes**” (10 h 1 CFU) and “**Food regulation: principles, rules and sanctions**” (10 h 1 CFU);
 - a.y. 2018/2019 Course on “**Food regulation: principles, rules and sanctions**” (10 h 1 CFU), “**Gender based violent crimes**” (10 h 1 CFU) and Course on “**Preventive measures against Transnational organized crimes**” (20 h 2 CFU).

Average assessment of my undergraduate teaching activities



Source: tam.sssup.it/didattica_valutazione

5.1.2. Teaching activity at the University of Pisa

- a. ys. 2006/2007, 2007/2008 e 2008/2009 Course on “ **The special part of criminal law: crimes against Public Administration**” (30 h 3 CFU).

5.1.3. Teaching activity at the Accademia Navale di Livorno

- a. ys. 2005/2006, 2006/2007, 2007/2008 Course on “**Military criminal law**” (30 h 3 CFU).

5.1.4. Teaching activity at the IUSS – Scuola Universitaria Superiore Pavia

- a. ys. 2017/2018 and 2018/2019 Course on “ **Prevention, punishment and quantitative assessment of corruption in public and private sector**” (25 h).

Teaching methodology at undergraduate level

Undergraduate teaching of criminal law takes place at a crucial moment in a student's career: the intermediate stage between basic and advanced education in legal sciences.

Students begin to study the fundamentals of criminal law when they are equipped with the fundamentals of civil and public law but do not yet have the basis of criminal law and procedures. The great diversity of criminal law from the other branches of legal studies also requires the preliminary analysis of important questions and basic principles in order to apply the penalties, in accordance with the fundamental rights of freedom, defense and fair trial.

Criminal law has further implications in terms of criminal policy studies, criminology, international and European law which impose an inter- and multi-disciplinary study even at institutional levels.

In the light of the above, since the beginning of my teaching activities I have always worked to deepen with the students the meaning of the principles of criminal law and their impact on the praxis, giving the same dignity to the study of the doctrine, the legislation and the domestic and international case law.

The first key word of my methodology for teaching criminal law at undergraduate level is "**integration**" between principles and rules, substantive and procedural law, domestic, European and international sources, law and non-legal disciplines. The second key word is "**participation**".

During all these years I have always worked to involve students in the design and development of the undergraduate courses in the belief that establishing a peer-to-peer relationship with them could have important benefits for both.

I firmly believe that undergraduate education can also greatly enrich a professor in a virtuous synergy in the perspective of the co-creation of knowledge. Based on my personal experience, I am strongly convinced I received from the students I knew over these years at least as much as I tried to give them.

More in details the fundamental tools of my methodology can be described as follows:

1. **Provision to the students of proper bibliographic material, tailored to the course in which it has to be used and to their starting level.** Giving the students documents they are able to understand and use is very important, in the many cases in which they are not yet ready to face more complex questions. The consistency between provided materials and students' skills is crucial when I deliver courses to multifaceted classes (e.g. IUSS courses delivered to students in political sciences, philosophy, physics, literature, linguistic sciences and neurosciences);
2. **Students' engagement in the research activities I have carried on in coherence to the subject of the courses.** Even in the teaching activities at undergraduate level I think it is very important to give the students the opportunity to apply the studied legal categories in the praxis. For this reason, when coherent with their ongoing studies, I systematically engage them in selected tasks of the research projects;
3. **Participative teaching approach.** During my lessons I strongly invite students to make comments, give suggestions and express their opinion. In addition to all of that I use to propose trial simulations giving them different roles (prosecutor, judge or lawyer) to experience the applicative side of the law. In the final lesson I regularly make with them the SWOT analysis of the delivered course in order to improve my performance and their satisfaction in the future;
4. **Student assistance during the completion of the activity.** I am always easily and readily available to my students (regardless of whether I am their tutor or not) for consultation and discussion of progress and research. The meeting frequency varies according to the subject, stage of work and students' personal needs. I respond in a timely manner to written work submitted by students, with constructive suggestions to improve it (my time of responses normally do not exceed two/three days). I also help students in gaining access to facilities or research materials and always work to ensure the research environment is peaceful and free from discrimination and conflicts;
5. **Support success in writing, presentations and first publications.** I encourage students to make presentations of their research activities out of the Scuola environment and to publish in scientific journals their results. I think it is important to encourage the attitude to the

research in the more gifted students and support them in the prosecution of their activities building with them academic loyalty programs, year by year.

5.2. Post-graduate teaching activities

In my career I regularly delivered courses to PhD students with a special regards to the SSSA PhD in Individual Person and Legal Protection (currently renamed PhD in Law) but also in the PhD programs of other Italian and international universities. My post-graduate teaching activities involves also many high level training courses to professionals as in the time-honored and experienced mission of Dirpolis Institute.

5.2.1. International post-graduate teaching activities

- 2000-2001: Max Planck Institut für ausländisches und internationales Strafrecht - Freiburg im Breisgau - *Strafrechtliche Abteilung* Weekly seminars on “Organised crime and italian legal system in comparison with european and international legal framework” and on “The crime of rape as crime against Humanity”;
- 2000-2001: Max Planck Institut für ausländisches und internationales Strafrecht - Freiburg im Breisgau – *Kriminologische Abteilung*. Monthly Seminars on “ Criminal Juvenile Law”;
- September 2003: Université catholique de Louvain - Faculté de droit PhD in Criminal Law and Criminology. Lessons on “Procedural issues in the fights against organised crime”;
- July/August 2015 Escola da Magistratura do Estado do Rio de Janeiro. Course on “Human rights protection in criminal law with a focus on Euthanasia and Crime of Torture”;
- December 2016 European Law Research Center of Henan University. Advanced course on Anti-corruption legal system in Italy and Europe. I edition;
- November 2017 European Law Research Center of Henan University. Advanced course on Anti-corruption legal system in Italy and Europe. II edition;
- November 2017 European Law Research Center of Henan University. Advanced course on Food safety crimes;

5.2.2. National post-graduate teaching activities

- from a.y. 2005/2006 – present criminal law courses and seminars designed for PhD candidates of the PhD “Individual Person and Legal protection” (now PhD in Law);

- a.y. 2006/2007 courses and seminars for PhD candidates of the PhD in Legal Sciences of the University of Perugia;
- a.y. 2005/2006 High level training for Responsabili di Servizi di Prevenzione e protezione;
- a.y. 2005/2006 Master in Esperto in diritto dell’Immigrazione – Department of Political Sciences of the University of Pisa;
- high level training course on “La gestione della sicurezza nei luoghi di lavoro: la valutazione dell’”impatto aziendale’ delle nuove norme sulla responsabilità amministrativa degli enti per i reati in materia di sicurezza sul lavoro”, funded by Fondazione Monte dei Paschi di Siena a.y. 2009/2010;
- from a.y. 2010/2011 – present. Courses on the special part of criminal law at the Graduate School of legal professions of the University of Pisa;
- a. ys 2009/2010, 2011/2012 and 2015/2016. Courses on advanced criminal law at the Forensic School “Alto Tirreno”;
- a. y. 2010/2011 high level training for Confindustria Managers on the delegation of tasks;
- a. y. 2010/2011 high level training for General Electric Managers on the workplace safety regulation;
- a. ys 2013/2014 and 2014/2015 in Law and Cultural Heritage (Scuola Superiore Sant’Anna);
- Master in Manager Pubblico e Giurista d’Impresa of the Department of Law of the University of Pisa editions 2014, 2015 e 2016;
- high level training course for specialized lawyers on “Drug crimes”. June 2014;
- high level training course “Il Diritto degli appalti pubblici: profili amministrativi, penali ed etici” a.y. 2016/2017;
- high level training course “Winter School of Transparency” a.y. 2017/2018;
- high level training course on “Gender based Violence” . June 2018;
- high level training course “Summer School of Integrity”. July 2018;
- a. ys 2015/2016, 2016/2017, 2017/2018 e 2018/2019 Master in Management della Sicurezza nei luoghi di Lavoro e valutazione dei rischi – University of Pisa.

Teaching methodology at post-graduate level

Teaching activities at postgraduate level are quite different from the undergraduate ones and require a consequently separate methodology.

In my academic experience, postgraduate teaching activities can be also divided into two different groups: **PhD teaching activities** and **high level training activities for professionals**.

My teaching methodology in **PhD courses** is characterized by a predilection for advanced studies in criminal law and for supporting methodological and content tools for legal research. For this reason all my PhD courses start from the deepening of the regarded methodological profiles and then move on to the treatment of focused criminal law subjects that imply the knowledge of both general and special part and of European and international law.

PhD courses are also organized to encourage the development of candidates' research programs in an interdisciplinary perspective.

My methodology in **courses for professionals** is instead based on the satisfaction of specific training needs to be afterwards immediately used in practice.

For this reason I design my courses together with the professional associations, agreeing with them the contents of the courses and involving experts with very different backgrounds so as to provide the professional participants with the broader and variegated vision of the subject dealt with.

More in details, the fundamental tools of my methodology can be described as follows:

1. **Provide a variety of learning assessments** that identifies the distinct learning styles of the different groups of PhD students;
2. **Use a variety of motivational techniques to stimulate PhD students about learning and researching**, not only in their subject area but enlarging their view to all the related topics;
3. **In the high level training, having a range of tools and techniques to use** with one or more of the teaching models (**collaborative learning, problem-based/project-based/case-based learning, experiential learning and guided inquiry learning**);
4. **Provide regular personal feedback to PhD students and professionals involved in high level training activities** adapting evaluation tools to their special skills;
5. Both individually and with the postgraduate students, **adapt and create learning materials appropriate for a variety of learning styles**.

6. *Research activity*

My research activities have been conducted in different research areas and lines, from the study of the general theory of criminal law to the special part of it, with a focus on the issues related to criminal law in business activities and organized crime.

Although the research topics I have dealt with have been different over the years, I have always tried to maintain a coherent link among all of them, by leveraging on the skills acquired in the study of the general theory in each in-depth field.

The experience lived at the Max Planck Institute was of fundamental importance in the development of my academic career. The study of the structure of the crime and of the elements of criminal responsibility allowed me to develop a strong sensitivity to the respect of the general principles and rules of the criminal system in any special hypothesis, regardless of the emergencies of the practice.

In particular, even when I dealt with serious forms of crime such as organized crime and terrorism or that involving vulnerable victims, in my publications and different research activities I have always highlighted the need not to mitigate or even suspend personal guarantees of the investigated or accused person. This research line was also developed thanks to the participation to many international networks (e.g. Université catholique de Louvain and Universidade do Estado do Rio de Janeiro).

At the same time my research activities in criminology brought me to balance the issues related to the rights of the author of the crime with the protection of the offended persons, proposing models and solutions to empower them both in the prevention and the punishment of the crime.

I have also applied the same methodology in the research activities I conducted in the field of criminal law in business activities. The problems related to my researches in such field were linked to the issue of compliance with the principles and rules of criminal law. In particular, I have tried to propose useful solutions to avoid forms of strict liability of the corporations by promoting the organizational model of guilt and strengthening preventive activities.

As part of this research area, in fact, I developed the principle of the last resort of criminal law, promoting the use of alternative tools to prevent business crime and developing business integrity and ethics as effective deterrence forms.

As a professor at the Scuola, I carried out research activities in Criminal Law focusing on following subject matters within the remit of criminal justice: **public and private corruption, criminal labour law, principles of criminal responsibility in risky activities, models of corporate liability, legal tools for fighting illegal markets.** I have been also engaged in the analysis of **organised crime and terrorism, protection of vulnerable persons and gender-based victimisation.** My research interests as well as my teaching activities over the years have been related to other criminal law topics,

such as **general theory of the crime, international and European criminal law and justice and criminal law and cultural heritage.**

I have adopted an inter- and multi-disciplinary approach to the study of the above listed topics, increasingly broadening my analysis to the connections with non-criminal legal systems (such as civil law, administrative law and procedures) and non-legal sciences (such as economics, philosophy and politics).

The research outputs are not only well-known within the scientific community of criminal lawyers, but also have a notable impact on corporations, stakeholders and civil society, thus exhibiting a synergic connection between theoretical research, applied research and third mission.

All the above-described activities can be enshrined in the following specific **research areas and lines** through scientific publications, science communication, professional and third mission activities, national and international projects and collaborations, high level training and under- and post graduate teaching activities based on a participatory approach and an intensive involvement and tutoring of the students.

Research area n.1. *Criminal Law and Business Activities*

Research line n. 1.1. *Prevention and Punishment of Public and Private Corruption*

Under this research line I have been engaged in scientific, teaching and third mission activities at national and international level. Since 2012 and the organic reform of anticorruption system with the so called “*Legge Severino*”, I have been focusing part of my academic activities on the analysis of the best models to face corruption both in private and public sector according to the international and European legal framework. Starting from the corporate liability deriving from predicate crimes of corruption committed by members of private entities, I worked to propose a processing model of liability attribution based on the lack of organisation in the prevention and mitigation of criminal risks.

My first works on this topic aimed at offering a corporate liability model compliant with the principle of materiality and culpability overcoming strict-liability oriented interpretative guidance.

- G. MORGANTE, *Il raccordo tra la riforma dei delitti contro la pubblica amministrazione e la responsabilità degli enti*, in *La legislazione penale*, 2013, pp.702-717;

- G. MORGANTE, *Accessorietà della responsabilità da reato degli enti: nomina (non) sunt consequentia rerum*, in AA. VV. *Scritti in onore di Alfonso M. Stile*, Napoli, ESI, 2014, pp.1181- 1197;
- G. MORGANTE, *Criminal law and risk management: from tradition to innovation*, *Global Jurist*, 2, 2016, pp. 1-30;
- G. MORGANTE, *Agenda Italiana Anticorruzione 2017*, final report Business Integrity Country Agenda (BICA) international Project;
- G. MORGANTE, *Editorial on “Etica al centro”*, September 2018, *Transparency International Italia Journal*.

In the field of the Prevention and Punishment of Public and Private Corruption I have been also engaged in different projects and collaborations with public and private institutions, namely:

- MEMORANDUM OF UNDERSTANDING Scuola Superiore Sant’Anna – Autorità Nazionale Anticorruzione (ANAC): as person in charge for research, teaching and public engagement activities on the prevention of public and private corruption in public and private sector;
- Member of the ADVISORY BOARD “BUSINESS INTEGRITY COUNTRY AGENDA (BICA)” Project of Transparency International. It aims to create a relevant body of evidence on business integrity in different countries, a widely-shared agenda for reform and a collective momentum for change towards more business integrity among key stakeholders. BICA assesses the status of key thematic areas which enable the business sector to act with integrity. BICA offers a comprehensive approach for gathering key information to provide a credible foundation for action;
- LEGAL ADVISOR of the BUSINESS INTEGRITY FORUM (BIF) Project of Transparency International Italia. The Business Integrity Forum (BIF) is the initiative of Transparency International Italy to increase the transparency, integrity and responsibility of the economic sector of our country through collaboration with many Italian corporations and financial institutions (e.g. Acciai Speciali Terni, Generali, Edison, Enel, Falck Renewables, Luxottica, Pirelli, Tim, Vodafone, Snam, Terna);
- LEGAL ADVISOR of the BUSINESS INDEX OF TRANSPARENCY (BIT) Project of Transparency International Italia aimed at assessing a map of the activities that companies put in place in terms of transparency, integrity and commitment to anti-corruption;

- TRAINER on Whistleblowing and Anticorruption legal strategy in the EU funded Project “A Change of direction. Fostering Whistleblowing in Europe in the fight of corruption” co-funded by the European Commission through the Internal Security Fund programme.
- LEGAL ADVISOR for EU legal framework of COMPLIANCE AND ENFORCEMENT, Program of Corporate Compliance and Enforcement of the New York University;
- LEGAL ADVISOR for Business Integrity and Business Ethics activities of SNAM Spa;
- LEGAL ADVISOR for the Sustainable Development Goal 16.5 (Substantially reduce corruption and bribery in all their forms) of Alleanza Italiana per lo Sviluppo Sostenibile (ASviS);
- LEGAL ADVISOR to CELTEX GROUP Srl for the compliance with the Anticorruption legal framework and the coordination of Business Integrity and Ethics activities.

In order to involve judges, legal advisors, professionals, private and public managers and public officers in high level training activities on the topics of the prevention and punishment of public and private corruption, I have been organising with Scuola Superiore dell’Avvocatura, Scuola della Magistratura, ANAC and Transparency International the following training courses:

- Corso di Alta Formazione in Diritto degli Appalti Pubblici: profili amministrativi, penali ed etici (110 h) a.y. 2016/2017 (scientific director);
- Corso di Alta Formazione “Winter School of Transparency” (40 h) a.y. 2017/2018 (scientific director);
- Corso di Alta Formazione “Summer School of Integrity” (40 h) a.y. 2017/2018 (scientific director).

Third mission and public engagement activities are also very important to promote a global approach and a social commitment against public and private corruption, involving civil society organizations and stakeholders. These activities have been enhanced in the strategic plans of Dirpolis Institute over the years and I have contributed to increase the public engagement of the Scuola in the topics related to this research line:

- Collaboration with the DEPARTMENT OF PUBLIC ADMINISTRATION OF THE MINISTRY FOR SIMPLIFICATION AND PUBLIC ADMINISTRATION within the OPEN GOVERNMENT PARTNERSHIP PROJECT (and the connected international OPEN GOVERNMENT FORUM) with the aim of increasing transparency, supporting civic participation, fighting corruption and promoting, within and outside the Public Administrations, new technologies in support of innovation and e-government projects;

- Collaboration with the DGMO (Foreign Ministry’s Directorate General for Global Affairs) – Anticorruption Office in the activities concerning transparency and integrity in public and private sector overcoming the perception indexes in measuring corruption and protecting whistle-blowers;
- *Awareness campaign* promoted by the NGOs RIPARTE IL FUTURO e TRANSPARENCY INTERNATIONAL ITALIA in the legislative initiative aimed at the approval of a legal regulation of Whistleblowing. The campaign was successfully completed with the approval of the L. n.179 of the November, 30 2017 “Disposizioni per la tutela degli autori di segnalazioni di reati o irregolarità di cui siano venuti a conoscenza nell’ambito di un rapporto di lavoro pubblico o privato”;
- CRIMINAL LAW EXPERT in *C5 Anticorruption Forum*. C5 Anticorruption Forum is designed for senior decision-makers in the fields of anti-corruption, compliance, ethics and risk management based in Italy or whose scope of compliance responsibilities include Italy. This programme has been successful over the years, in gathering relevant government authorities, including Prosecutors, Judges as well as experienced corporates and lawyers. The conferences organised by C5 Forum include an enhanced focus on practical lessons learned from recent and ongoing local and global compliance cases. The forum is yearly devoted to networking, experience-sharing of innovative risk mitigation strategies and compliance programmes benchmarking.

Research line n.1.2. *Criminal Labour Law and Principles of Criminal Responsibility in Risky Activities*

The research line on criminal labour law has been active since the beginning of my career. I have increasingly worked on the most important legal issues concerned, with the aim of offering to the scientific community and professionals an interpretation of the elements of criminal responsibility compliant with the principle of culpability. I have also extended the analysis to the principles of criminal responsibility in risky activities from the traditional category of the “*crime of danger*” to the concept of “*risk*” and “*precaution*” in criminal law. My publications about this topic have given me a recognised position both in the academic community of the criminal lawyers and among the

professionals, being also used by judges and lawyers in the case law concerning criminal liability of the employer as holder of a “duty to protect” the workers.

The following articles are the outputs of this part of my researches activities:

- G. MORGANTE, *Le posizioni di garanzia nella prevenzione antinfortunistica in materia di appalto*, in *Rivista italiana di diritto e procedura penale*, 2001, pp. 88-112;
- G. MORGANTE, *L'approccio precauzionale al governo dei rischi in diritto penale*, in G. COMANDÉ (a cura di) *Gli strumenti della precauzione: nuovi rischi, assicurazione e responsabilità*, Milano, 2006, pp. 99-144;
- G. MORGANTE, *"Quel che resta" del divieto di intermediazione ed interposizione nelle prestazioni di lavoro dopo la "Riforma Biagi"*, in *Diritto penale e processo*, 2006, pp. 736-748;
- G. MORGANTE, *Commento al d. lgs. 19 settembre 1994, n.626, Attuazione delle direttive 391/CEE, 89/654/CEE, 89/655/CEE, 89/656/CEE, 90/269/CEE, 90/270/CEE, 90/394/CEE, 90/679/CEE, 93/88/CEE, 95/63/CE, 97/42/CE, 98/24/CE, 99/38/CE, 99/92/CE, 2001/45/CE e 2003/10/CE*, in TULLIO PADOVANI (a cura di), *Le leggi penali complementari*, Milano, 2007, pp. 486-550;
- G. MORGANTE, *Commento agli artt.389-392 DPR 547/1955- Norme per la prevenzione degli infortuni sul lavoro*. in T. PADOVANI (a cura di) *Le leggi penali complementari*, Milano, 2007, pp. 461-486;
- G. MORGANTE, *L'attuazione dell'art.1 l. 3.8.2007, n.123 in materia di tutela della salute e della sicurezza nei luoghi di lavoro*, in *La legislazione penale*, 2009, v. 3, pp. 53-72;
- G. MORGANTE, *La tutela penale della sicurezza del lavoro: dal pericolo al rischio*, in *Studium Iuris*, 2009, vol. 6, pp. 644-654;
- G. MORGANTE, *Commento agli artt.157-161 d. lgs. 9 aprile 2008, n.81, tutela della salute e della sicurezza nei luoghi di lavoro, disposizioni penali in materia di cantieri temporanei o mobili*, in M. GRANDI - G. PERA. *Commentario breve alle leggi sul lavoro*. Padova, 2009, pp. 2962-2976;
- G. MORGANTE, *Commento agli artt.298-303 d. lgs. 9 aprile 2008, n.81, tutela della salute e della sicurezza nei luoghi di lavoro, disposizioni generali in materia penale e di procedura penale*, in M. GRANDI - G. PERA. *Commentario breve alle leggi sul lavoro*. Padova, 2009, pp. 3132-3147;

- G. MORGANTE, *Commento alla legge 27 marzo 2001, n.97, Norme sul rapporto tra procedimento penale e procedimento disciplinare ed effetti del giudicato penale nei confronti dei dipendenti delle amministrazioni pubbliche*. in M. GRANDI - G. PERA. *Commentario breve alle leggi sul lavoro*. Padova, 2009, pp. 1739-1752;
- G. MORGANTE, *Spunti di riflessione su diritto penale e sicurezza del lavoro nelle recenti riforme legislative*, in *Cassazione Penale*, 2010, vol. fascicolo 9, pp. 3319-3341;
- G. MORGANTE, *Le fattispecie accessorie di cui agli artt.589, comma 2 e 590 comma 3 c.p.*, in A. CARDONE, B. DEIDDA, S. DOVERE, A. GARGANI, S. MERLINI, L. MONTICELLI, G. MORGANTE, F. MUCCIARELLI, C. PERINI, A. SCARCELLA, E. SCORZA, G. TRENTA, *Trattato teorico-pratico di diritto penale, Reati contro la salute e dignità del lavoratore*, vol. 10, Torino, 2012, pp. 427-435;
- G. MORGANTE, *Lavori in appalto e sicurezza nei cantieri*, in A. CARDONE, B. DEIDDA, S. DOVERE, A. GARGANI, S. MERLINI, L. MONTICELLI, G. MORGANTE, F. MUCCIARELLI, C. PERINI, A. SCARCELLA, E. SCORZA, G. TRENTA, *Trattato teorico-pratico di diritto penale, Reati contro la salute e dignità del lavoratore*, vol. 10, Torino, 2012, pp. 317-355;
- G. MORGANTE, *Il diritto penale nel caso Ilva tra ospite d'onore e invitato di pietra*, in www.federalismi.it, 2013, pp.1-12;
- G. MORGANTE, *Contenuti e limiti dell'imputazione all'amministratore della responsabilità penale a titolo di committente ex artt.26 e 55 D. Lgs. n.81/2008*, in *Giurisprudenza italiana*, 2014, pp.702-707;
- G. MORGANTE, *Responsabilità penale del coordinatore per l'esecuzione. Il coordinatore per l'esecuzione; fino a quando (e a quanto) risponde?*, in *Giurisprudenza italiana*, 5/2015, pp.1228-1236;
- G. MORGANTE, *Infortunio del lavoratore imprudente: quando il datore di lavoro non risponde*, in *Diritto penale e processo*, 2/2015, pp.201-205;
- G. MORGANTE, *Sicurezza nelle scuole e posizioni di garanzia: divisione o moltiplicazione di responsabilità penali?*, *Diritto penale e processo*, v.22, 2016, pp.1309-1319;
- G. MORGANTE, *Criminal law and risk management: from tradition to innovation*, *Global Jurist*, 2, 2016, pp. 1-30;

- G. MORGANTE, *Tempus non regit actum. La parabola discendente del principio di affidamento nella successione “patologica” tra garanti*, in *La legislazione penale*, 2017, 1-51;
- G. MORGANTE, *La ripartizione volontaria dei doveri di sicurezza: delega o deleghe di funzioni?*, in G. DE FRANCESCO – A. GARGANI (a cura di), *Evoluzione e involuzione delle categorie penalistiche*, Milano, 2017, pp. 275-285;
- G. MORGANTE, *Commento al Decreto legislativo 19 dicembre 1994, n. 758 - Modificazioni alla disciplina sanzionatoria in materia di lavoro* in R. DE LUCA TAMAJO, O. MAZZOTTA (a cura di), *Commentario alle leggi sul lavoro*, Padova, 2017, pp.1263-1285;
- G. MORGANTE, *Commento agli artt. 55-61 Decreto legislativo 9 aprile 2008, n. 81 - Attuazione dell’articolo 1 della legge 3 agosto 2007, n. 123, in materia di tutela della salute e della sicurezza nei luoghi di lavoro*, in R. DE LUCA TAMAJO, O. MAZZOTTA (a cura di), *Commentario alle leggi sul lavoro*, Padova, 2017, pp.2525-2558;
- G. MORGANTE, *Commento all’art.26 Decreto legislativo 9 aprile 2008, n. 81 - Attuazione dell’articolo 1 della legge 3 agosto 2007, n. 123, in materia di tutela della salute e della sicurezza nei luoghi di lavoro*, in R. DE LUCA TAMAJO, O. MAZZOTTA (a cura di), *Commentario alle leggi sul lavoro*, Padova, 2017, pp.2447-2458;
- G. MORGANTE, *Commento al Decreto legislativo 19 dicembre 1994, n. 758 - Modificazioni alla disciplina sanzionatoria in materia di lavoro* in R. DE LUCA TAMAJO, O. MAZZOTTA (a cura di), *Commentario alle leggi sul lavoro*, Padova, 2017, pp.1263-1285;
- G. MORGANTE, *Caporalato, schiavitù e crimine organizzato verso corrispondenze (quasi) biunivoche*, in *Giurisprudenza italiana*, 7-2018, pp. 1703-1708.

Under this research line I have been also engaged in research projects, collaborations and high level training activities organised for judges, lawyers and private corporations:

- PRIN 2004/2006, *L'assicurazione tra codice civile e nuove esigenze: per un approccio precauzionale al governo dei rischi* (principal investigator prof. G. Comandé);
- *Corso di Formazione per Responsabili di Servizi di Prevenzione e protezione a.y. 2005/2006* (scientific director prof. Marco Frey);

- Corso di Alta Formazione “La gestione della sicurezza nei luoghi di lavoro: la valutazione dell’impatto aziendale’ delle nuove norme sulla responsabilità amministrativa degli enti per i reati in materia di sicurezza sul lavoro”, funded by Fondazione Monte dei Paschi di Siena a.a. 2009/2010 (scientific director);
- Corso di Alta Formazione per Dirigenti Confindustria sul “Testo Unico della Sicurezza sul lavoro e la delega di funzioni” a.y. 2010/2011;
- Corso di Alta Formazione per top e middle managers General Electric Spa su “La responsabilità penale e amministrativa per violazione delle norme in materia di salute e sicurezza sui luoghi di lavoro” a.y. 2010/2011;
- Master in Manager Pubblico e Giurista d’Impresa attivato presso il Dipartimento di Diritto Pubblico della Facoltà di Giurisprudenza dell’Università di Pisa editions 2014, 2015 e 2016;
- Master in Management della Sicurezza nei luoghi di Lavoro e valutazione dei rischi Università di Pisa ed. a.y. 2015/2016, 2016/2017, 2017/2018 e 2018/2019.
- Since 2018 Legal Advisory of Celtex Group Srl, San Lorenzo Srl, Campostrada Srl, Pratolungo Srl (due diligence and compliance with Leg. Decree 231/2001 and workplace safety legal framework).

Research line: 1.3. *Models of Corporate Liability.*

The above-mentioned study and applied research activities in the field of criminal labour law and principles of liability in risky activities gave me the theoretical and practical grounds to further investigate on corporate crimes and the elements of criminal responsibility for the crimes committed in the context of business and, more in general, complex operations. The *ontological pluralism* of the corporate crimes and the compliance with the principle of necessary *individualism* of criminal responsibility according to article 27 Cost. led me to search for alternative models of corporate liability.

The challenge was to find a balance between the complexity of the decision-making centres of corporate crimes and the necessity to identify a criminally responsible individual. After the approval of the Legislative Decree 231/2001 I focused a significant part of my research activities to analyse the new model of corporate administrative responsibility depending on the predicate crimes

committed by the members of the legal person, in order to propose an interpretation in line with the principles of legality and culpability.

This work was scientifically supported by my previous studies on the general theory of the crime (see *infra* under **Research area n.4.**) and the relationship between *predicate* and *accessory crimes*. The studies of the models of corporate liability gave me also the opportunity to develop and enhance the relations between criminal and administrative law, testing the effectivity of administrative sanctions in preventing and fighting illicit activities in the corporations and proposing a “EU-oriented” legal system, to be really compliant with the principle of “last resort” of criminal law.

The following publications are the outputs of this research line:

- G. MORGANTE, *La depenalizzazione dei reati minori e riforma del sistema sanzionatorio, ai sensi dell'art.1 della l.25 giugno 1999, n.205*, in *La legislazione penale*, 2001, pp. 871-897;
- G. MORGANTE, *La disciplina degli illeciti penali e amministrativi riguardanti le società commerciali*, in *La legislazione penale*, 2003, Special Issue vol. 3-4;
- G. MORGANTE, *La Responsabilità amministrativa da reato degli enti collettivi*, in A. CARDONE, B. DEIDDA, S. DOVERE, A. GARGANI, S. MERLINI, L. MONTICELLI, G. MORGANTE, F. MUCCIARELLI, C. PERINI, A. SCARCELLA, E. SCORZA, G. TRENTA, *Trattato teorico-pratico di diritto penale, Reati contro la salute e dignità del lavoratore*, vol. 10, Torino, 2012, vol. 10, pp. 473-516;
- G. MORGANTE, *Il diritto penale nel caso Ilva tra ospite d'onore e invitato di pietra*, in www.federalismi.it, 2013, pp.1-12;
- G. MORGANTE, *Accessorietà della responsabilità da reato degli enti: nomina (non) sunt consequentia rerum*, in AA. VV. *Scritti in onore di Alfonso M. Stile*, Napoli, ESI, 2014, pp.1181- 1197;
- G. MORGANTE, *Criminal law and risk management: from tradition to innovation*, *Global Jurist*, 2, 2016, pp. 1-30;
- G. MORGANTE, *Commento all'art.300 Decreto legislativo 9 aprile 2008, n. 81 - Attuazione dell'articolo 1 della legge 3 agosto 2007, n. 123, in materia di tutela della salute e della sicurezza nei luoghi di lavoro*, in R. DE LUCA TAMAJO, O. MAZZOTTA (a cura di), *Commentario alle leggi sul lavoro*, Padova, 2017, pp. 2557-2563.
- G. MORGANTE, *Il Fintech e l'economia dei dati: profili civilistici e penalistici*, *Special Issue Quaderni Giuridici Consob*, 141 pp., Milano, 2018.

Under this research line I have been engaged in the 2003/2005 PRIN Project, L'“amministrazione” delle società dopo le recenti leggi di riforma. Profili organizzativi, gestionali, di responsabilità e di finanziamento”.

As in the previous Research line (see above, under **Research line n.1.2.**), under this research line I have been also working with corporations (Celtex group srl, Campostrada srl, Pratolungo srl, San Lorenzo srl) and professional associations (Confindustria, Camere di Commercio, Ordine degli Avvocati, Ordine dei Commercialisti) as legal advisor in the due diligence activities required by the Leg. Dec. 231/2001.

Research line n.1.4. *Legal tools for fighting Illegal Markets.*

In my scientific studies this research line can be considered the link between organised crime issues (see *infra* under **Research area n.2.**) and criminal law and business activities analysis. The evolution of mafia-type organisations from local criminal groups to transnational criminal corporations led the doctrine to better investigate on the new phenomenology of organised crime more and more oriented to commit economic crimes and intrude into legal economy.

The analysis of the crimes related to financial transactions and the infiltration by organized crime in international markets allowed me to investigate on the issues related to the laundering of the economic proceeds of criminal activities, under the double profile of the theory and the practice of the crime.

From a theoretical point of view I dealt with the structure of the money laundering crime as an "*accessory crime*" proposing an interpretation aimed at enhancing the seriousness of this evolution of organized crime. In particular, in some publications I proposed an interpretation of the relationships between associative crimes and crimes of illicit proceeds laundering, supporting their cumulative and not alternative application. This interpretation was based on the restatement of some criminal law classical categories such as the substantial *ne bis in idem* and the non-punishable *post factum*. This interpretation was also supported by studies of the general theory of the crime (see *infra* under **Research area n.4.**) carried out on accessory offenses and was accepted by a part of the case law about the relationship between organised crime and money laundering subsequent activities.

The following publications are the outputs of this research line:

- G. MORGANTE, *Riflessioni su taluni profili problematici dei rapporti tra fattispecie aventi ad oggetto operazioni su denaro o beni di provenienza illecita*, in *Cassazione penale*, 1998, pp. 2500 – 2523;
- G. MORGANTE, *Estensione delle disposizioni in materia di riciclaggio di capitali di provenienza illecita ed attività finanziarie particolarmente suscettibili di utilizzazione a fini di riciclaggio*, in *La legislazione penale*, 2000, pp. 13-18;
- G. MORGANTE, *Sulla dimensione transnazionale del riciclaggio del denaro proveniente da reato*, in AA VV. *Criminalità transnazionale tra esperienze europee e risposte penali globali*, Milano, 2002, pp. 461-467;
- G. MORGANTE, *La lutte contre la criminalité organisée en droit italien*, in MARIA LUISA CESONI (a cura di) *Nouvelles méthodes de lutte contre la criminalité: la normalisation de l'exception*. Bruxelles Bruylant, 2007, pp. 183-249;
- G. MORGANTE (a cura di), *Stupefacenti e diritto penale, Un rapporto di non lieve entità*, Torino, 2015;
- G. MORGANTE, *Il Fintech e l'economia dei dati: profili civilistici e penalistici*, *Special Issue Quaderni Giuridici Consob*, 141 pp., Milano, 2018.

Under this research line I have been also engaged in the following research projects and collaborations:

- “La Belgique dans une société mondialisée - Les Dispositifs de lutte contre les organisations criminelles”- funded by the Service public fédéral de programmation politique et scientifique of the Justice Ministry of Belgium and coordinated by the Université Catholique de Louvain – Bruxelles
- (2007/2010);
- “Criminal Economy” Project funded by the Center of International Social Studies (CISS) and the Labour and Economics National Committee (CNEL) 2013/2015;
- “The digitalization of financial intermediation operations” promoted by CONSOB (*Commissione Nazionale per le Società e la Borsa – Autorità italiana per la vigilanza sui mercati finanziari*), ESMA (*European Securities and Markets Authority*), IOSCO (*International Organization of Securities Commissions*), FSB, (*Financial Stability Board*) and IFIAR (*International Forum of Independent Audit Regulators*);

- Collaboration with CONSOB in planning educational and dissemination activities aimed at inclusion, financial education and reduction of the “digital divide” through awareness campaigns aimed at promoting the access to information technologies applied to finance (eg World Investor Week 2 -8-October 2017 organized in collaboration with the International Organization of Securities Commissions) and the prevention of digital financial frauds.

Research area n. 2. *Organised Crime and Terrorism.*

This area of research covers a long period of time in my career. The interest in organized crime arises even from my PhD research project on conspiracy and organised crime and has been developed into some works concerning the systematic placement of associative crimes, the relationship with the conspiracy legal framework and the evolution of organized crime from local groups to more complex criminal organizations (see the above mentioned **Research line n.1.4.**).

- G. MORGANTE, *Il problema della collocazione sistematica dei reati associativi. Profili dogmatici e prospettive de iure condendo*, in AA. VV. *La criminalità organizzata tra esperienze normative e prospettive di collaborazione internazionale*, Torino, 2001, pp. 93-101;
- G. MORGANTE, *La lutte contre la criminalité organisée en droit italien*, in MARIA LUISA CESONI (a cura di) *Nouvelles méthodes de lutte contre la criminalité: la normalisation de l'exception*. Bruxelles Bruylant, 2007, pp. 183-249;
- G. MORGANTE, *La circostanza aggravante dell'art.3, comma 1 l. 15 luglio 2009, n.94 e la tutela penale delle persone disabili*, in G. DE FRANCESCO, ALBERTO GARGANI, D. MANZIONE, G. MORGANTE, A. PERTICI, *Commentario al "pacchetto sicurezza"*, Torino, UTET Giuridica, 2011, pp. 339.343;
- G. MORGANTE. *L'art.391 bis c.p. nel quadro delle disposizioni dell'ordinamento penitenziario*, in G. DE FRANCESCO, ALBERTO GARGANI, D. MANZIONE, G. MORGANTE, A. PERTICI, *Commentario al "pacchetto sicurezza"*, Torino, UTET Giuridica, 2011, Torino, 2011, pp.300-306;
- G. MORGANTE, *Le pene pecuniarie nelle nuove disposizioni in materia di sicurezza pubblica*, in G. DE FRANCESCO, ALBERTO GARGANI, D. MANZIONE, G. MORGANTE, A. PERTICI,

Commentario al "pacchetto sicurezza", Torino, UTET Giuridica, 2011, Torino, 2011, pp.494-499;

- G. MORGANTE, Commento all'art.110 c.p. (Concorso di persone nel reato), in Codice penale edited by T. Padovani, G. De Francesco, G. Fidelbo, A. Vallini, Milano, 2014, pp. 693-731.;
- G. MORGANTE, *Caporalato, schiavitù e crimine organizzato verso corrispondenze (quasi) biunivoche*, in *Giurisprudenza italiana*, 2018, pp.1703-1710;

My reputation on this topic, broadly recognised by the scientific community, gave me the opportunity to join the above mentioned international project “*La Belgique dans une société mondialisée - Les Dispositifs de lutte contre les organisations criminelles*”, funded by the Service public fédéral de programmation politique et scientifique of the Justice Ministry of Belgium and coordinated by the Université Catholique de Louvain – Bruxelles (2007/2010). In the project I was in charge of proposing an organic reform of the Belgian substantial and procedural legal framework on organized crime and related financial activities (money laundering issues included). On the basis of the results of this project, the Belgian government proposed the organic reform of the organised crime legal framework.

In the latest years I have enlarged my interests on organised crime to the phenomenon of transnational organized crime and terrorist associations.

On the basis of the experience of the Italian legal system, I started studying the special elements of terrorist crimes and I built international collaborations with research centres, NGOs, Universities, Law Enforcement Agencies, specialised Lawyers and Judges Associations. The output of this activity is the EU DG JUST funded project JUSTICE (*Judges Uniting to Stop Terrorism with International, Constitutional and European Law*).

The overall objective of the project is to ensure judicial cooperation in criminal justice to counter terrorism in a manner that is effective and in compliance with the EU and international human rights law. More in details the project aims at ensuring that judges and lawyers in the selected countries have access to and are aware of comparative analysis and best practices in implementation of EU counter-terrorism law and that the practical implementation of EU law to tackle terrorism is harmonized within the Member States, while respecting competencies of the domestic legal systems and national and international human rights obligations.

The Beneficiaries of the project will be judges in priority countries, lawyers, legal professionals and experts, scholars and civil society organisations, so that Judges and lawyers in the selected countries have access to and are aware of comparative analysis and best practices, through a network of legal professionals and experts, in implementation of EU counter-terrorism legislation in compliance with human rights, creating a multidisciplinary network for criminal justice.

In this project I am engaged in organizing the international workshops and the baseline country studies in cooperation with the Italian DNAA (Direzione Nazionale Antimafia e Antiterrorismo) and MEDEL (Magistrats européens pour la démocratie et les libertés), to share with the partners the long-term national experience in preventing and fighting organized crimes and terrorism.

Research area n.3. *Protection of vulnerable persons and gender-based Victimisation.*

This research line is characterised by a strong connection between scientific, applied and third mission activities.

As in the **research line n.1.2.**, my scientific interest has been focused on the role of criminal law in protecting vulnerable victims, emphasizing the general positive prevention function of criminal law in promoting the values of equality and equal opportunities.

To pursue this research line I have further investigated the multiple connections between this topic and not strictly legal disciplines, such as sociology, philosophy and criminology. Unlike many common law systems, in Italy criminological studies are not very developed in the community of criminal lawyers although they are really important in the study of the best techniques for protecting vulnerable subjects. This interdisciplinary study allowed me also to know and face the reality on the ground and the crucial issue of the discrimination based on vulnerability.

The following publications are the outputs of this study:

- G. MORGANTE, *La depenalizzazione dei reati in materia di assunzioni obbligatorie alla luce delle nuove norme sul lavoro dei disabili*, in *La legislazione penale*, 1999, pp.925 – 943;
- G. MORGANTE, *Jugendstrafrecht in Italien*, in Hans-Jorg Albrecht (a cura di), *Jugendstrafrecht in Europa*, Freiburg im Breisgau, Edition Iuscrim – Max Planck Institut Publisher, 2002, pp. 205-225;

- G. MORGANTE, *La legge n.228/2003 come efficace strumento di contrasto al traffico di esseri umani*, in *Contro ogni schiavitù. Programmi di assistenza ed integrazione sociale ex art.18 T.U. sull'immigrazione Legge n. 228/2003 "Misure contro la tratta di persone"*, Siracusa-Demetra, 2005, pp. 193-198;
- G. MORGANTE, *"Quel che resta" del divieto di intermediazione ed interposizione nelle prestazioni di lavoro dopo la "Riforma Biagi"*, in *Diritto penale e processo*, 2006, pp. 736-748;
- G. MORGANTE, *Commento agli artt.1-3 Legge 29 ottobre 2016, n. 199 - Disposizioni in materia di contrasto ai fenomeni del lavoro nero, dello sfruttamento del lavoro in agricoltura e di riallineamento retributivo nel settore agricolo* in R. DE LUCA TAMAJO, O. MAZZOTTA (a cura di), *Commentario alle leggi sul lavoro*, Padova, 2017, pp.3083-3099;
- G. MORGANTE, *Commento agli artt.18 e 19 al Decreto legislativo 11 aprile 2006, n. 198 - Codice delle pari opportunità tra uomo e donna, a norma dell'articolo 6 della legge 28 novembre 2005, n. 246* in R. DE LUCA TAMAJO, O. MAZZOTTA (a cura di), *Commentario alle leggi sul lavoro*, Padova, 2017, pp.2372-2374;
- G. MORGANTE, *Commento all'art.15 Legge 12 marzo 1999, n. 68 - Norme per il diritto al lavoro dei disabili* in R. DE LUCA TAMAJO, O. MAZZOTTA (a cura di), *Commentario alle leggi sul lavoro*, Padova, 2017, pp.1493-1497;
- G. MORGANTE, *Commento agli artt.18 e 19 Decreto legislativo 10 settembre 2003, n. 276 - Attuazione delle deleghe in materia di occupazione e mercato del lavoro, di cui alla legge 14 febbraio 2003, n. 30*, in R. DE LUCA TAMAJO, O. MAZZOTTA (a cura di), *Commentario alle leggi sul lavoro*, Padova, 2017, pp.2136-2151;
- G. MORGANTE, *Commento all'art.38 Statuto dei lavoratori, Legge 20 maggio 1970, n. 300 - Norme sulla tutela della libertà e dignità dei lavoratori, della libertà sindacale e dell'attività sindacale nei luoghi di lavoro e norme sul collocamento*, in R. DE LUCA TAMAJO, O. MAZZOTTA (a cura di), *Commentario alle leggi sul lavoro*, Padova, 2017, pp.992-997;
- G. MORGANTE, *Commento all'art.26 Legge 17 ottobre 1967, n. 977 - Tutela del lavoro dei bambini e degli adolescenti*, in R. DE LUCA TAMAJO, O. MAZZOTTA (a cura di), *Commentario alle leggi sul lavoro*, Padova, 2017, pp.1074-1077;
- G. MORGANTE, *Commento all'art.16 Legge 9 dicembre 1977, n. 903, Parità di trattamento tra uomini e donne in materia di lavoro*, in R. DE LUCA TAMAJO, O. MAZZOTTA (a cura di), *Commentario alle leggi sul lavoro*, Padova, 2017, pp.1087-1093;

- G. MORGANTE, *Caporalato, schiavitù e crimine organizzato verso corrispondenze (quasi) biunivoche*, in *Giurisprudenza italiana*, 7-2018, pp. 1703-1708;
- G. MORGANTE, *Criminal law and gender perspective: beyond victimization towards a new legal agency*, in *Iride* 2018, pp. 327-337;
- G. MORGANTE, *Dalla Convenzione di Istanbul alle Corti Europee: il difficile cammino del diritto nella prevenzione e repressione della violenza di genere*, in AA. VV. *Ri-scrivere. Principi, pratiche e tratti fondanti dei Centri antiviolenza dieci anni dopo la redazione della Carta nazionale*, Perugia, pp.33-46.

Following this research line I have been over the years also engaged in research projects, collaborations, high level training and third mission activities as follows:

- Research Project “Jugendstrafrecht in Europa” coordinated by Hans-Jörg Albrecht e Michael Kilchling - Max Planck Institut für ausländisches und internationales Strafrecht di Freiburg im Breisgau (2001/2005);
- Member of the “Observatory on the application of the art. 18 of Legislative Decree n.286 dated 25 July 1998 in the context of the prevention and punishment of crimes against migrants”, coordinated by Regione Emilia-Romagna and funded by EU STOP (to the trafficking of human beings) Program (2003-2005);
- Member of the STRADA Project on social and employment reintegration and of trafficked women” coordinated by the Provincia di Pisa as a branch of the above mentioned STOP (2005-2007);
- Collaboration with the NGO DiRe (Donne in Rete contro la Violenza) in organizing training activities on the prevention and punishment of gender-based violence and discrimination;
- Participation and promotion of awareness campaigns with TV, radio, newspapers and the platform *change.org* aimed at the enhancing of the *public engagement* in preventing and combating gender based violence (e.g. “Denunciamo la violenza” e “Scarpette rosse”);
- Member of the working group of APDPI (Associazione dei professori di diritto penale italiani) for the draw up of legislative proposals aimed at introducing in the criminal code of the European countries a special Chapter named “ Crimes of discrimination and gender based violence”. This activities are currently conducted also in collaboration with the Robert F. Kennedy Human Rights Foundation and the European Court of Human Rights and the output

will be the publication of a 10 points Charter on preventing and combating gender based discriminations and violence;

- Currently Under Evaluation Jean Monnet Chair proposal “Gender European Agenda (GEA)”. Principal Investigator Prof. Anna Loretoni.

Research area n.4. *General Theory of Criminal law.*

The study of the s.c. general theory of criminal law was the very beginning of my scientific activities from the PhD in Individual Person and Legal protection (Curriculum Criminal Law) at the Scuola to the Research fellowship at the Max Planck Institut für ausländisches und internationales Strafrecht di Freiburg im Breisgau in 2000 and 2001.

Although not directly linked to applied research activities, studies on the general theory of crime are of crucial importance for a criminal law scholar because they allow us to deepen the principles and rules of imputation of criminal responsibility in the respect of freedom and legality.

The studies related to this research area were therefore preparatory to all the above mentioned research lines. Even if currently engaged in more specific research activities, I keep on dealing with this research area in a domestic, European and international perspective. This is even more important in light of the ever-increasing opening of modern criminal law to supranational inputs, with particular regard to the protection of fundamental rights.

The main outputs of this research area are my first two monographs. In both cases I have chosen to deal with topics of the general theory of the crime which assumed the knowledge of classic categories of criminal law, but which as such had not yet been studied in depth by other monographic works:

- G. MORGANTE, *L'illiceita' speciale nella teoria generale del reato*, Torino, 2002, pp. 238;
- G. MORGANTE, *Il reato come elemento del reato. Analisi e classificazione del concetto di reato richiamato dalla fattispecie penale*, Torino, 2013, pp.272.

The members of the selection board for the Abilitazione Scientifica Nazionale to the role of Full professor evaluated my books as **excellent** , as follows:

- **Prof. Enzo Musco:** *In the second monographic work ("The crime as an element of the crime 2013) the author analyses a specific aspect not yet investigated by criminal law doctrine (if not within the most traditional perspective of the regulatory elements of the case). (...) The*

*level of the work appears really excellent, both for the originality of the addressed topic, and the methodological rigour. The interesting suggestions for personal reflection **have significantly increased the knowledge base on this subject.***

- **Prof. Giovanni Fiandaca:** *The scientific production of Gaetana Morgante, in addition to **two excellent monographs**, is characterized by the continuity of publications, on different themes, especially the special part of criminal law and complementary penal legislation.*
- **Prof. Massimo Donini:** *Within the production of Gaetana Morgante, especially that produced for the evaluation, **two monographs stand out:** The special illegality in the general theory of the crime, 2002, and The crime as an element of the crime, 2013. **The first** (...) constitutes a **contribution between the most relevant of the last decades**, updated and instructive about the topic of the normative elements of the crimes (...). **The second monograph fills a gap in Italian literature** and represents a sort of completion of the first monographic research, as it focuses on the regulatory elements (...) of the crimes.*
- **Prof. Lorenzo Picotti:** (...) *Her scientific production, in addition to these **two excellent level monographs**, is characterized by the continuity of publications, on different themes (...).*

Under this research line I also published some articles devoted to the application of general principles of criminal responsibility to the special part of the criminal code:

- G. MORGANTE, *Reazione ad atti "provocatori" e oltraggio a pubblico ufficiale: un intervento "interpretativo" (proprio necessario?) della Corte Costituzionale*, in *La legislazione penale*, 1998, pp. 981-993;
- G. MORGANTE, *In tema di attentato alla sicurezza dei trasporti: limiti della disciplina attuale e prospettive di riforma*, in *Rivista italiana di diritto e procedura penale*, 1998, pp. 568-583;
- G. MORGANTE, *L'oggetto tutelato nelle fattispecie penali in materia di religione*, in *Religione e religioni: prospettive di tutela, tutela della libertà*, Torino, 2007, pp. 257-258.

I had also the opportunity to participate to a research project aimed at analyzing the relations between general theory of the crime and procedural issues:

- PRIN 2008/2012-Decisioni sulla conseguenze del reato e standard probatori (principal investigator prof. Domenico Pulitanò).

Research area n.5. *International and European Criminal Law and Justice.*

The study of international and European Criminal Law covers a part of my scientific career and research activities.

First of all, my research interests were focused on the international and European general legal framework of the criminal liability for war crimes and crimes against Humanity. The above mentioned activities were also devoted to further investigate the more specific questions related to immigration studies and food safety crimes, as paradigmatic topics for the study of the interaction between domestic and international levels in criminal law.

Under this research area I worked on proposing an integrated model of criminal liability in compliance with international and European principles and rules.

The following publications are the outputs of this research area:

- G. MORGANTE, *L. 30 luglio 1998, n.290 Ratifica ed esecuzione del protocollo IV sulle armi accecanti fatto a Vienna il 13 ottobre 1995 e del protocollo II sulla proibizione o restrizione dell'uso delle mine, trappole ed altri ordigni*, in *La legislazione penale*, 1999, pp. 9 -12;
- G. MORGANTE, *La responsabilità dei capi e la rilevanza dell'ordine del superiore*, in A. CASSESE, M. CHIAVARIO, G. DE FRANCESCO (a cura di), *Problemi attuali della giustizia penale internazionale*, Torino, 2005, pp. 149-180;
- G. MORGANTE, *Commento a L. 18 marzo 2008, n. 48. Ratifica ed esecuzione della Convenzione del Consiglio d'Europa sulla criminalità informatica, fatta a Budapest il 23 novembre 2001, e norme di adeguamento dell'ordinamento interno*. In *La legislazione penale*, 2008, vol. 3, pp. 251-280;
- G. MORGANTE, *Le regole penalistiche della "Legge comunitaria 2009"*, in *La legislazione penale*, 2011, v. 4, pp. 387-423.

Under this research area I was involved in three international projects:

- International Project coordinated by prof. Antonio Cassese and funded by the Carlo Marchi Foundation, concerning the collection and classification of the decisions of ordinary and special Courts on "war crimes" committed in Italy and Europe in the period of transition between the fascist regime and the republican system (2000);

- International Project “*O direito penal atual e a proteção dos direitos fundamentais*” coordinated by the Universidade do Estado de Rio de Janeiro and the Escola da Magistratura do Estado di Rio de Janeiro (2015);
- International Project “*EU-China Criminal Law concerning food safety crimes: references from comparison*” in collaboration with the Chinese Academy of Social Sciences, Beijing, the European Law Research Center of Henan University and the Beijing Union University.

Under this research area I am also currently involved in the PRIN 2017 “*The challenge of Interlegality*”. The project aims at promoting a new perspective on Law Building, through empirical and conceptual enquiry, a new approach and techniques to tame the occurrences of Interlegality, the intertwinement of legal orders and extra-state governance; to improve the delivering of justice amidst fragmentation, overcoming the limits of the system-based approaches to matters that are inter-systemic in nature and substantively interconnected.

As in the other research areas and lines listed in this self-assessment document, I have been also engaged in high level training activities for judges and professionals:

- Master in Esperto in diritto dell’Immigrazione of the Dipartimento di Scienze della Politica della Facoltà di Scienze Politiche dell’Università di Pisa a.y. 2005/2006 e 2006/2007 (scientific director prof. Marcello De Filippo).

Research area: 6. *Criminal Law and Cultural Heritage.*

In my scientific career I also dealt with the issues of Criminal law and cultural heritage, starting with the protection of cultural heritage by criminal law and currently working on the interactions between law and new technologies applied to cultural heritage to face some problems of the contemporary society.

The following publications are the scientific outputs of the activities carried out under this research area:

- G. MORGANTE, *Nuove tecniche repressive nei confronti delle condotte di aggressione al patrimonio culturale*, in *La legislazione penale*, 1998, pp. 627-653;

- G. MORGANTE, L. 30 marzo 1998, n.88, *Norme sulla circolazione dei beni culturali*, in *La legislazione penale*, 1998, pp. 503-533;
- G. MORGANTE, *Commento al d. lgs. 22 gennaio 2004, n.42, Codice dei beni culturali e del paesaggio* in TULLIO PADOVANI (a cura di), *Le leggi penali complementari*, Milano, 2007, p. 56-93.

Under this research area I have been also involved in high level trainings on “Law and Cultural Heritage” editions 2014 e 2015 (scientific director prof. Andrea de Guttry).

7. *Third mission*

I have performed activities to accomplish the third mission of the universities, which includes all the initiatives carried out to support knowledge transfer and the economic, social and cultural development of the community. The following initiatives are aimed to strengthen public engagement through educational activities and awareness campaigns:

(The third mission activities listed below are defined as “Third Institutional Mission activities in the Universities” in Annex E of the Ministerial Decree 47/2013 on the periodic evaluation of study courses and Part III of the ANVUR Guidelines for the fulfill of the Single Annual Report on Departmental Research SUA -RD)

- Collaboration with the National Anti-Corruption Authority and with Transparency International Italy in organizing and carrying out educational activities aimed at providing legality in schools and training activities for professionals in the sector;
- Collaboration with Transparency International Italy in the Business Integrity Forum project, aimed at promoting legality and integrity in the private business sector;
- Collaboration with the DiRe Association (Donne in Rete contro la violenza) in organizing and carrying out training activities on the prevention and fight against discriminations and gender-based violence;
- Participation in the awareness campaigns on the platform *change.org* in the area of public engagement and legislative initiative on the prevention of stalking and femicide;
- Participation in initiatives to promote collaborations between Universities and Corporations organized by the Joint Technology Transfer Office (JOTTO-Fair Research meets companies) IMT Lucca joint structure, SSSA, SNS and IUSS Pavia;

- As part of the Consob Project on "The Digitization of Financial Intermediation Processes", collaboration with the Authority in planning training and dissemination activities aimed at inclusion, financial education and reduction of the digital divide through campaigns aimed at promoting the access to information technologies applied to finance (eg *World Investor Week* 2-8-October 2017 organized in collaboration with the International Organization of Securities Commissions) for the purpose of preventing financial frauds;
- Participation with the NGO Riparte il Futuro and with Transparency International Italy in the awareness-raising campaign and legislative initiative on whistleblowing (as a result approval of the L. November, 30 2017 n.179 "Provisions for the protection of authors of reports of crimes or irregularities which they have come to know in the context of a public or private employment relationship");
- Higher education activities of the Police on the topics of ethics in public institutions (editions 2016, 2017 and 2018);
- Collaboration with the Department of Public Administration of the Italian Ministry for Simplification and Public Administration within the Open Government Partnership Project (and the connected Open Government International Forum) with the aim of promoting transparency, supporting civic participation, fighting corruption and of the diffusion, within and outside the Public Administrations, of new technologies in support of innovation.

8. Current relations with private corporations and professionals associations.

I am engaged with many private corporations, professional associations and business organizations in order to provide them legal advisory, criminal due diligence services and risk management solutions. More in details I am currently working with:

- **Transparency International Italia - Business Integrity Forum (BIF) Partners:**
 - *Acciai Speciali Terni;*
 - *Generali;*
 - *Edison;*
 - *Enel;*
 - *Falck Renewables;*
 - *Luxottica;*

- *Pirelli*;
- *Tim*;
- *Vodafone*;
- *Snam*;
- *Terna*;
- **TRACE International Inc.**;
- **Osservatorio 231 – Aziende Farmaceutiche**;
- **Confindustria Toscana**;
- **Celtex Group Srl**;
- **San Lorenzo Srl**;
- **Campostrada Srl**;
- **Pratolungo Srl**.

9. Institutional Activities

I have been always available and engaged in many activities and functions at the service of the Scuola and its bodies, as detailed below:

2018 - present:

President of the Equal Opportunities Committee (d.r. n.45 dated January, 31 2018), Scuola Superiore Sant’Anna, Pisa, Italy;

2018 - present:

Since January, 31 2018 Member of the Management Group for the assessment of work-related stress Scuola Superiore S.Anna;

2018 – present:

Prorector for Students Outreach and Social Mobility;

2017 - present:

Member of the IAB Working Group Dirpolis Institute, Scuola Superiore Sant’Anna, Pisa, Italy;

2016-2017:

Coordinator of the Dirpolis Working Group for the preparation of a policy on field-work researches in collaboration with the ICT services of the School;

2016:

Member of the Dirpolis Working Group for the revision of the system of scientific productivity (ppse) evaluation;

2016-present:

Responsible person for the Autorità Nazionale Anticorruzione (ANAC)/SSSA Memorandum of Understanding for joint research and training activities in the topic of prevention and punishment of corruption in public and private sector;

2015 – present:

Member of the Joint Professors-Students Committee for the 2015/2017 three-year period appointed with D.R. n. 504 of 29 October 2015 and confirmed in the same body for the three-year period 2017/2019 with D. R. n. 591 of 31 October 2017;

2014-2018:

Delegate of the Social Sciences Faculty for the organization of thematic orientation days and the Summer Orientation School in Legal Sciences;

2012-2013:

Member (secretary) of the committee for the admission to PhD program in “Individual Person and Legal Protection”, Sant’Anna School of Advanced Studies;

2010-2012:

Member of the Committee for the entitlement to legal profession – Appeal Court of Florence;

2005 – present:

Member and then Secretary of the committee for the admission to the Academic Faculty of Social Sciences , Sant’Anna School of Advanced Studies.

In addition to the above listed activities, I have also been official member of the admission committee and final PhD examination committee in many Italian universities (e.g. Pisa, Florence, Milano) and regularly in the committees for the annual examination of the undergraduate students term papers, for the assignment of the diploma for Master degree students of the Sector of Legal Sciences of the

Scuola, and for the discussion of the final dissertation of the PhD candidates in Individual Person and Legal Protection (now PhD in Law).

10. Editorial activities

I am currently member of the editorial board of three top ranked scientific journals, as follows:

- Scientific collaboration and referee "*La Legislazione Penale*";
- Scientific collaboration and referee "*Criminalia*";
- Scientific collaboration and referee "*Rivista trimestrale di diritto penale dell'economia*";
- Member of the Editorial board member rivista *Social Sciences* (also Scopus indexed journal)
- Member of the Editorial Board of *DisCrimen*.

11. Funded Research Projects

During my career I have taken part to many funded national and international research projects, in the role of participant and scientific coordinator of legal units.

Many agencies, Non Governative Organizations and national and international institutions funded my researches: Italian Ministry of Foreign Affairs, Italian University and Research Ministry, Tuscany Region, Confindustria, European Commission DG Justice, European Commission Internal Security Fund programme, Monte dei Paschi di Siena Foundation:

- Research Project “Jugendstrafrecht in Europa” coordinated by Hans-Jörg Albrecht e Michael Kilchling and funded by the Max Planck Institut für ausländisches und internationales Strafrecht - Freiburg im Breisgau (2001/2005);
- EU STOP (to the trafficking of human beings) Program (2003-2005);
- PRIN (Research Project of Relevant National Interest funded by Italian University and Research Ministry) 2003/2005 Project, L’“amministrazione” delle società dopo le recenti leggi di riforma. Profili organizzativi, gestionali, di responsabilità e di finanziamento”;

- PRIN (Research Project of Relevant National Interest funded by Italian University and Research Ministry) 2004/2006, “L'assicurazione tra codice civile e nuove esigenze: per un approccio precauzionale al governo dei rischi”;
- “La Belgique dans une société mondialisée - Les Dispositifs de lutte contre les organisations criminelles”- funded by the Service public fédéral de programmation politique et scientifique of the Justice Ministry of Belgium and coordinated by the Université Catholique de Louvain – Bruxelles (2007/2010);
- PRIN (Research Project of Relevant National Interest funded by Italian University and Research Ministry) 2008/2012-Decisioni sulla conseguenze del reato e standard probatori (principal investigator prof. Domenico Pulitanò);
- “Criminal Economy” Project funded by the Center of International Social Studies (CISS) and the Labour and Economics National Committee (CNEL) 2013/2015;
- Transparency International *Business Integrity Country Agenda (BICA)* Project;
- Transparency International Italy *Business Integrity Forum (BIF)* Project;
- Transparency International Italy *Business Index of Transparency (BIT)* Project;
- “*A Change of direction. Fostering Whistleblowing in Europe in the fight of corruption*” Project co-funded by the European Commission through the Internal Security Fund programme (2016/2018);
- “The digitalization of financial intermediation operations” promoted by CONSOB (*Commissione Nazionale per le Società e la Borsa – Autorità italiana per la vigilanza sui mercati finanziari*), ESMA (*European Securities and Markets Authority*), IOSCO (*International Organization of Securities Commissions*), FSB, (*Financial Stability Board*) and IFIAR (*International Forum of Independent Audit Regulators*) 2016/2018;
- International Project “*EU-China Criminal Law concerning food safety crimes: references from comparison*” in collaboration with the Chinese Academy of Social Sciences, Beijing, the European Law Research Center of Henan University and the Beijing Union University (2016/2017);
- EU Commission DG JUST funded project JUSTICE (*Judges Uniting to Stop Terrorism with International, Constitutional and European Law*) 2018/2020;
- PRIN (Research Project of Relevant National Interest funded by Italian University and Research Ministry) 2017 “*The challenge of Interlegality*” (2019/2021).

12. Invited lectures and Conference organization

Main invited lectures

I was invited as a key note speaker to many national and international conferences and workshops, including.

- UNAR (Ufficio Nazionale Antidiscriminazioni Razziali) 2005;
- Max Planck Institut für ausländisches und internationales Strafrecht di Freiburg im Breisgau (2006);
- Université Catholique de Louvain – Bruxelles (2007);
- Suprema Corte di Cassazione – Scuola Superiore della Magistratura (2012);
- Escola da Magistratura do Estado di Rio de Janeiro (2015),
- Senato della Repubblica Italiana (2017);
- G20 Anticorruption Italian Ministry of Foreign Affairs and International Cooperation (2017 e 2018);
- Università Cattolica del Sacro Cuore Milano (2018);
- European Commission DG JUST (2018);
- Robert F. Kennedy Human Rights Foundation (2019);
- C5 Anticorruption Forum (2019).

Pisa, 21 January 2020