

Routledge Research in Human Rights Law

CRIMINAL PUNISHMENT AND HUMAN RIGHTS: CONVENIENT MORALITY

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Punishment And Human Rights

Michael E. Goodhart



Punishment And Human Rights:

Criminal Punishment and Human Rights: Convenient Morality Adnan Sattar, 2019-03-05 This book examines the relationship between international human rights discourse and the justifications for criminal punishment Using interdisciplinary discourse analysis it exposes certain paradoxes that underpin the International Bill of Human Rights academic commentaries on human rights law and the global human rights monitoring regime in relation to the aims of punishment in domestic penal systems It argues that human rights discourse owing to its theoretical kinship with Kantian philosophy embodies a paradoxical commitment to human dignity on the one hand and retributive punishment on the other Further it sustains the split between criminal justice and social justice which results in a sociologically ill informed understanding of punishment Human rights discourse plays a paradoxical role vis vis the punitive power of the state as it seeks to counter criminalisation in some areas and backs the introduction of new criminal offences and longer prison sentences in others The underlying priorities it is argued have been shaped by a number of historical circumstances Drawing on archival material the study demonstrates that the international penal discourse produced during the late nineteenth and early twentieth century laid greater emphasis on offender rehabilitation and was more attentive to the social context of crime than is the case with the modern human rights discourse Corporal Punishment of Children: A Human Rights Violation

Susan Bitensky, 2006-06-14 The core of this book is a detailed analysis of the status of corporal punishment of children including Areasonable spankings by parents under international human rights law The analysis leads compellingly to the conclusion that such punishment is indeed a human rights violation consonant with modern norms about right and decent treatment of juveniles The book further provides a comparative analysis between the domestic laws of the seventeen nations that ban all corporal punishment of children and examples of the domestic laws in the countries that still permit some physical chastisement of children *Human Rights Watch Undue Punishments Abuses Against Prisoners in Georgia* ,

Encyclopedia of Human Rights Edward H. Lawson, 1996 Preface to the first edition **The SAGE Handbook of Punishment and Society** Jonathan Simon, Richard Sparks, 2012-09-18 The project of interpreting contemporary forms of punishment means exploring the social political economic and historical conditions in the society in which those forms arise The SAGE Handbook of Punishment and Society draws together this disparate and expansive field of punishment and society into one compelling new volume Headed by two of the leading scholars in the field Jonathan Simon and Richard Sparks have crafted a comprehensive and definitive resource that illuminates some of the key themes in this complex area from historical and prospective issues to penal trends and related contributions through theory literature and philosophy Incorporating a stellar and international line up of contributors the book addresses issues such as capital punishment the civilising process gender diversity inequality power human rights and neoliberalism This engaging vibrantly written collection will be captivating reading for academics and researchers in criminology penology criminal justice sociology cultural studies

philosophy and politics

China and International Human Rights

Na Jiang, 2013-12-12 This book is designed to introduce law students legal actors and human rights activists particularly participants in human rights dialogues with China to the process and reality of a newly confident China's participation in the international human rights system albeit with inherent challenges From an international and comparative perspective one of the key findings of the author's research is that progress towards human rights depends more on judges than on legislators Chinese legislators have enacted a series of reforms in order to better protect human rights Unfortunately these reforms have not led to greater adherence to China's international human rights obligations in practice The reforms failed because they have generally been misunderstood by Chinese judges who often have a limited understanding of international human rights norms Specifically this book will examine how judicial misunderstandings have blocked reforms in one specific area the use of severe punishments based on international human rights theory and case studies and data analyses This examination has several purposes The first is to suggest that China ratify the ICCPR as the next step for its substantive progress in human rights and as a good preparation for its re-applying to be a member of the UN Human Rights Council in the future The second is to explain how judges could be better educated in international human rights norms so as to greatly reduce the use of severe punishments and better comply with China's human rights obligations The third is to demonstrate how the international community could better engage with China in a manner that is more conducive to human rights improvements The author's ultimate goal is to enhance dialogue on human rights in China between judges and the Chinese government between Chinese judges and their foreign counterparts and between China's government and the international community Another significant aim of this book is to clarify the controversial question of what obligations China should undertake before its ratification of the ICCPR and to re-examine trends in its developing human rights policy after standing down from the Council in late 2012 The tortuous progress of China's criminal law and criminal justice reforms has confirmed that Chinese judges need further instruction on how to apply severe punishments in a manner consistent with international standards Judges should be encouraged to exercise more discretion when sentencing so that penalties reflect the intent of relevant domestic laws as well as the international human rights standards enumerated in the ICCPR In order to better educate and train judges this book contains introductory chapters that examine the severe punishments currently available to Chinese judges from an international human rights perspective To illustrate how Chinese justice currently falls short of international norms this paper also examines several cases that are considered to be indicative of China's progress towards greater respect for human rights and the rule of law These cases demonstrate that China still has a long way to go to achieve its goals at least before abolishing the death penalty forced labor and torture

Interrogating the Morality of Human Rights Michael J. Perry, 2023-05-09 This is an open access title available under the terms of a CC BY NC ND 4.0 License It is free to read download and share on Elgaronline.com This forward thinking book illustrates the complexities of the morality of human rights Emphasising the role

of human rights as the only true global political morality to arise since the Second World War chapters explore its role as applied to often controversial issues such as capital punishment the exclusion of same sex couples from civil marriage and criminal abortion bans *Human Rights In The Administration Of Justice* United Nations. Office of the High Commissioner for Human Rights, International Bar Association, 2003-12-01 Independent legal professionals play a key role in the administration of justice and the protection of human rights Judges prosecutors and lawyers need access to information on human rights standards laid down in the main international legal instruments and to related jurisprudence developed by universal and regional monitoring bodies This publication which includes a manual and a facilitator s guide seeks to provide a comprehensive core curriculum on international human rights standards for legal professionals It includes a CD ROM containing the full electronic text of the manual in pdf format *Human Rights in the Constitutional Law of the United States* Michael J. Perry, 2013-07-08 In the period since the end of the Second World War there has emerged what never before existed a truly global morality Some of that morality the morality of human rights has become entrenched in the constitutional law of the United States This book explicates the morality of human rights and elaborates three internationally recognized human rights that are embedded in US constitutional law the right not to be subjected to cruel inhuman or degrading punishment the right to moral equality and the right to religious and moral freedom The implications of one or more of these rights for three great constitutional controversies capital punishment same sex marriage and abortion are discussed in depth Along the way Michael J Perry addresses the question of the proper role of the Supreme Court of the United States in adjudicating these controversies *The Customary International Law of Human Rights* William A. Schabas, 2021-06-24 Customary international law is one of the principal sources of public international law Although its existence is uncontroversial until now the content of customary international law in the area of human rights has not been analyzed in a comprehensive manner This book from one of international law s foremost scholars and practitioners provides an unparalleled account of the customary international law of human rights It discusses the emergence of this customary law the debates about how it is to be identified and the efforts at formulation of customary norms In doing so the book provides a useful and accessible introduction to the content of international human rights The author uses the Universal Declaration of Human Rights as a basis to examine human rights norms and determine whether they may be described as customary He makes use of relatively new sources of evidence of the two elements for the identification of custom State practice and opinio juris In particular the book draws on the increasingly universal ratification of major human rights treaties and the materials generated by the Universal Periodic Review mechanism of the Human Rights Council The book concludes that a large number of human rights norms may indeed be described as customary in nature and that courts should make greater use of custom as a source of international law *Encyclopedia of Human Rights Issues Since 1945* Winston Langley, 2013-04-03 This comprehensive and up to date encyclopedia on human rights issues from 1945 to the present includes more than 400

entries on incidents and violations instruments and initiatives countries and human rights activities Its scope is global and its purpose is both to sum up the accomplishments in human rights in our time and also to point out and describe the violations that continue to be perpetrated around the world Entries cover major issues incidents and violations concepts and terms activists organizations and human rights instruments Entries cover more than 50 countries from Afghanistan to Yugoslavia Entries conclude with suggestions for further readings and a timeline of significant dates since 1945 and the text of the Universal Declaration of Human Rights are also included **Human Rights** Adamantia Pollis, Peter Schwab, 2000 5 Human environmental rights Barbara Rose Johnston *Sentencing and Punishment* Susan Easton, Christine Piper, 2022-12-01 Examining the theory behind the headlines and engaging with current debates this new edition provides thoughtful impartial and unbiased coverage of sentencing and punishment in the UK Collectively Susan Easton and Christine Piper are highly experienced teachers and researchers in this field making them perfectly placed to deliver this lively account of a highly dynamic subject area The book takes a thorough and systematic approach to sentencing and punishment examining key topics from legal philosophical and practical perspectives Offering in depth and detailed coverage while remaining clear and succinct the authors deliver a balanced approach to the subject Chapter summaries discussion questions and case studies help students to engage with the subject apply their knowledge and reflect upon debates Fully reworked and restructured this fifth edition has been updated to include developments such as the Sentencing Act 2020 and changes following the 2019 general election This is the essential guide for anyone studying sentencing and punishment as part of a law or criminology course Human Rights Documents ,1983 *Textbook on International Human Rights* Rhona K. M. Smith, 2007 Human rights have gained increasing prominence on the international European and UK stage This updated edition reflects developments in case law and legislation ensuring students have access to the most current material A companion web site features case updates and links to useful sites Prosecuting Serious Human Rights Violations Anja Seibert-Fohr, 2009-07-09 Criminal punishment is increasingly seen as a necessary element of human rights protection There is a growing conviction at the international level that those responsible for the most serious crimes should not go unpunished Although there is a wealth of legal writing on international criminal law an extensive analysis is still needed of the questions why and to what extent criminal prosecution is a necessary means of human rights protection at the domestic level This book is the first to examine comprehensively the duty to prosecute serious human rights violations under the International Covenant on Civil and Political Rights the American and European Conventions on Human Rights and customary international law It does so by exploring the phenomena of impunity and amnesties These issues are particularly relevant for post conflict situations in which it is often argued that criminal punishment threatens peace and reconciliation The question of how to deal with post conflict justice under international human rights law is therefore a continuing theme throughout the book Apart from post conflict justice the text also considers the relevance of criminal measures in times of peace by exposing

flaws in the criminal legislation and in the conduct of criminal procedure With its survey of the relevant human rights instruments and jurisprudence Prosecuting Serious Human Rights Violations is placed at the interface of international criminal law and international human rights The book analyses the rapidly growing body of human rights case law dealing with criminalization prosecution and punishment of serious human rights violations It identifies and critically examines the standards for the conduct of criminal proceedings developed by the European and Inter American Courts of Human Rights and the UN Human Rights Committee providing a unique reference tool for scholars and practitioners working in this area of law It also describes the standards for criminal law under the Conventions Against Genocide Torture and Enforced Disappearances As the analysis of pertinent case law reveals shortcomings in the current conceptualization of the prosecution of human rights violations the author develops a solid theoretical framework for future jurisprudence By evaluating the relationship between criminal law and the protection of human rights the book elucidates not only the potential but also the limits of the role human rights law can play in the emerging concept of international criminal justice

The Cambridge Companion to Human Rights Law Conor Gearty, Costas Douzinas, 2012-11-22 Human rights are considered one of the big ideas of the early twenty first century This book presents in an authoritative and readable form the variety of platforms on which human rights law is practiced today reflecting also on the dynamic inter relationships that exist between these various levels The collection has a critical edge The chapters engage with how human rights law has developed in its various subfields what if anything has been achieved and at what cost in terms of expected or produced unexpected side effects The authors pass judgment about the consistency efficacy and success of human rights law set against the standards of the field itself or other external goals Written by world class academics this Companion will be essential reading for students and scholars of human rights law

Human Rights Michael E. Goodhart, 2016 Human Rights Politics and Practice is the most complete most topical and most student friendly introduction to human rights Bringing together a range of international experts including political scientists philosophers lawyers and policy makers the book provides students with a broad range of perspectives on the theoretical and practical issues in this constantly evolving field In addition to in depth theoretical content the book also features unrivalled coverage of human rights issues in practice with a wide range of case studies to explore concrete examples from around the world The third edition has been brought fully up to date with the most recent events and latest research developments in the area Two new chapters have been added one on religion and human rights and one on sexual orientation and gender issues and human rights introducing students to these important topics and expanding the theoretical and practical discussion of issues of universalism and relativism The new edition also features a range of carefully developed pedagogical features to aid student learning encourage critical analysis and challenge students to question their own assumptions The book is accompanied by an Online Resource Centre to enhance students learning and provide valuable support for lecturers For students Revise key terms with a flashcard glossary

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Reproductive Freedom, Torture and International Human Rights Ronli Sifris, 2013-12-13 This book contributes to a feminist understanding of international human rights by examining restrictions on reproductive freedom through the lens of the right to be free from torture and other cruel inhuman or degrading treatment Ronli Sifris challenges the view that torture only takes place within the traditional paradigm of interrogation punishment or intimidation of a detainee arguing that this traditional construction of the concept of torture prioritises the experiences of men over the experiences of women given that the pain and suffering from which women disproportionately suffer frequently occurs outside of this context She does this by conceptualising restrictions on women's reproductive freedom within the framework of the right to be free from torture The book considers the gendered nature of international law and the gender dimensions of the right to be free from torture It examines the extension of the prohibition of torture to encompass situations beyond the traditional detainee context in recent years to encompass situations such as rape and female genital mutilation It goes on to explore in detail whether denying access to abortion and involuntary sterilization constitutes torture or other cruel inhuman or degrading treatment under international law The book looks at whether limitations on reproductive freedom meet the determining criteria of torture which are severe pain or suffering being intentionally inflicted being based on discrimination linked in some way to a State official whether they constitute lawful sanctions and the importance of the concept of powerlessness In doing so the book also highlights how this right may be applicable to other gender based abuses including female genital mutilation and how this right may be universally applied to allow women worldwide the right to reproductive freedom

Children's Rights and the Developing Law Jane Fortin, 2003-04 This text considers the developing law in England and Wales as it applies to the burgeoning and confusing subject of the rights of children It examines the extent to which the emerging legal principles can be harnessed to fulfil those rights

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