

# Rights of the Convicted and Imprisoned

- Individual Rights: Common law, constitutional, statutory, and humanitarian rights of the accused:
  - A right against cruel and unusual punishment
  - A right to protection from physical harm
  - A right to sanitary and healthy conditions
  - A limited right to legal assistance
  - A limited right to religious freedom
  - A limited right to freedom of speech
  - A limited right to due process before denial of privileges

# Rights Of The Imprisoned

**John Kleinig**



## **Rights Of The Imprisoned:**

**Parental Imprisonment and Children's Rights** Fiona Donson, Aisling Parkes, 2021-03-30 This book brings together internationally renowned academics and professionals from a variety of disciplines who in a variety of ways seek to understand the legal conceptual and practical consequences of parental imprisonment through a children's rights lens. Children whose parents have been incarcerated are often referred to as invisible victims of crime and the penal system. It is well accepted that the imprisonment of a parent even for a short period of time not only negatively affects the lives of children but it can also result in a gross violation of their fundamental human rights such as the right of access to their parent and the right to have an input into decision making processes affecting them the outcomes of which will without doubt affect the life of the child concerned. This collection foregrounds the voice of these children as it explores transdisciplinary boundaries and examines the practice and development of the rights of both children and their families within the wider dynamic of criminal justice and penology practice. The text is divided into three parts which are dedicated to 1 hearing the voices of children with parents in prison 2 understanding to what extent children's rights informs prison policy and 3 demonstrating how law in the form of children's rights can help frame both court sentencing and prison practice in a way that minimises the harm that contact with the prison system can cause. The research drawn upon in this book has been conducted in a number of European countries and demonstrates both good and bad practice as far as the implementation of children's rights is concerned in the context of parental incarceration. An accessible and compelling read this book will appeal to students and scholars of law children's rights criminology sociology social work psychology penology and all those interested in and working towards protecting the rights of children who have a parent in prison.

**Prisoners' Rights** John Kleinig, 2017-07-05 This volume brings together a selection of the most important published research articles from the ongoing debate about the moral rights of prisoners. The articles consider the moral underpinnings of the debate and include framework discussions for a theory of prisoners' rights as well as several international documents which detail the rights of prisoners including women prisoners. Finally detailed analysis of the moral bases for particular rights relating to prison conditions covers areas such as health solitary confinement recreation work religious observance library access the use of prisoners in research and the disenfranchisement of prisoners.

**Human Rights and the Detention of Andrei Sakharov, Update** United States. Congress. House. Committee on Foreign Affairs. Subcommittee on International Organizations, 1980

**Life Imprisonment and Human Rights** Dirk van Zyl Smit, Catherine Appleton, 2016-12-01 In many jurisdictions today life imprisonment is the most severe penalty that can be imposed. Despite this it is a relatively under researched form of punishment and no meaningful attempt has been made to understand its full human rights implications. This important collection fills that gap by addressing these two key questions: what is life imprisonment and what human rights are relevant to it. These questions are explored from the perspective of a range of jurisdictions in essays that draw on both empirical and

doctrinal research Under the editorship of two leading scholars in the field this innovative and important work will be a landmark publication in the field of penal studies and human rights *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 *The Rights of Refugees under International Law* James C. Hathaway, 2021-04-22 Do states have a duty to assimilate refugees to their own citizens Are refugees entitled to freedom of movement to be allowed to work to have access to public welfare programs or to be reunited with family members Indeed is there even a duty to admit refugees at all This fundamentally rewritten second edition of the award winning treatise presents the only comprehensive analysis of the human rights of refugees set by the UN Refugee Convention and international human rights law It follows the refugee s journey from flight to solution examining every rights issue both historically and by reference to the decisions of senior courts from around the world Nor is this a purely doctrinal book Hathaway s incisive legal analysis is tested against and applied to hundreds of protection challenges around the world ensuring the relevance of this book s analysis to responding to the hard facts of refugee life on the ground

**Key Resolutions of the United Nations General Assembly 1946-1996** Dietrich Rauschnig, Katja Wiesbrock, Martin Lailach, 1997-08-28 Key resolutions from the first fifty years of the United Nations General Assembly **Detention in Non-International Armed Conflict** Lawrence Hill-Cawthorne, 2016-03-24 International law has long differentiated between international and non international armed conflicts traditionally regulating the former far more comprehensively than the latter This is particularly stark in the case of detention where the law of non international armed conflict contains no rules on who may be detained what processes must be provided to review their detention and when they must be released Given that non international armed conflicts are now the most common form of conflict this is especially worrying and the consequences of this have been seen in the detention practices of states such as the US and UK in Iraq and Afghanistan This book provides a comprehensive examination of the procedural rules that apply to detention in non international armed conflict with the focus on preventive security detention or internment All relevant areas of international law most notably international humanitarian law and international human rights law are analysed in detail and the interaction between them explored The book gives an original account of the relationship between the relevant rules of IHL and IHRL which is firmly grounded in general international law scholarship treating the issue as a matter of treaty interpretation With that in mind and with reference to State practice in specific non international armed conflicts including those in Sri Lanka Colombia Nepal

Afghanistan and Iraq it is demonstrated that the customary and treaty obligations of States under human rights law continue absent derogation to apply to detention in non international armed conflicts The practical operation of those rules is then explored in detail The volume ends with a set of concrete proposals for developing the law in this area in a manner that builds upon rather than replaces the existing obligations of States and non State armed groups

**Human Rights and Incarceration** Elizabeth Stanley, 2018-08-09 This collection considers human rights and incarceration in relation to the liberal democratic states of Australia New Zealand and the UK It presents original case study material on groups that are disproportionately affected by incarceration including indigenous populations children women those with disabilities and refugees or non citizens The book considers how and why human rights are eroded but also how they can be built and sustained through social creative cultural legal political and personal acts It establishes the need for pragmatic reforms as well as the abolition of incarceration Contributors consider what has or might work to secure rights for incarcerated populations and they critically analyse human rights in their legal socio cultural economic and political contexts In covering this ground the book presents a re invigorated vision of human rights in relation to incarceration After all human rights are not static principles they have to be developed fought over and engaged with

**Prisoners and Human Rights** Dr Upendra Nath Dubey, 2023-07-12 The concept of Human Rights is as old as the existence of mankind on this earth These rights were known by different names at different times This book presents thorough knowledge about Human Rights of the Prisoners and it is perhaps the first book of its kind The book is significant from the point of view of lawyers Judges researchers NGOs and all other persons related to protection and promotion of Human Rights of the prisoners at large It may help the Government in introducing changes in its policies so as to provide better treatment to the prisoners The readers can apply findings of the study in India and abroad while doing any work regarding protection and promotion of Human Rights of the prisoners It also deals with the problems which are being faced by different kinds of prisoners Any right will become redundant if there is no machinery for enforcement

Micro-thesauri A Tool for Documenting, English , 2001 The Micro thesauri are a collection of documents developed by HURIDOCS or adapted from various sources to be used in conjunction with HURIDOCS Events Standard Formats manual The thesauri can be used to document human rights violations to facilitate database design and to encourage standardized information exchange

**The Use of Preventive Detention Laws in Malaysia: A Case for Reform** M. Ehteshamul Bari, Safia Naz, 2020-07-07 This book examines the extraordinary nature of the power of preventive detention which permits executive dispensation of the personal liberty of an individual on the mere apprehension that if free and unfettered he may commit acts prejudicial to national security or public order In light of the extraordinary scope of this power it therefore contends that the scope of the power should be confined to genuine emergencies threatening the life of the nation Against the above background this book sheds light on the fact that Article 149 of the Federal Constitution of Malaysia empowers the Parliament to enact preventive detention laws authorizing the

executive branch of government to preventively detain individuals without the precondition of an emergency Furthermore the Constitution does not stipulate adequate safeguards for mitigating the harshness of preventive detention laws This book makes it manifestly evident that the weaknesses of the constitutional provisions concerning preventive detention have enabled succeeding generations of executives in Malaysia to not only enact a series of preventive detention statutes for arrogating to themselves wide powers concerning preventive detention but also to rely on them for arbitrarily detaining their political adversaries Consequently on the basis of this analysis this book puts forward concrete recommendations for insertion in the Constitution detailed norms providing for legal limits on the wide power of the executive concerning preventive detention The insertion of such norms would ensure the maintenance of a delicate balance between protecting national interests and simultaneously observing respect for an individual's right to protection from arbitrary deprivation of liberty This book is useful for academics and students of comparative constitutional law human rights and Asian law The extensive law reform analysis undertaken in this book also greatly benefits the policy makers in Malaysia and the policy makers of constitutional polities facing similar problems with the issue of circumscribing the scope of the powers concerning preventive detention

**Prison Writing and the Literary World** Michelle Kelly, Claire Westall, 2020-10-27 Prison Writing and the Literary World tackles international prison writing and writing about imprisonment in relation to questions of literary representation and formal aesthetics the value or values of literature textual censorship and circulation institutional networks and literary critical methodologies It offers scholarly essays exploring prison writing in relation to wartime internment political imprisonment resistance and independence creation regimes of terror and personal narratives of development and awakening that grapple with race class and gender Cutting across geospatial divides while drawing on nation and region specific expertise it asks readers to connect the questions examples and challenges arising from prison writing and writing about imprisonment within the UK and the USA but also across continental Europe Stalinist Russia the Americas Africa and the Middle East It also includes critical reflection pieces from authors editors educators and theatre practitioners with experience of the fraught testing and potentially inspiring links between prison and the literary world

**Advancing Children's Rights in Detention** Ursula Kilkelly, Pat Bergin, 2021-11-02 The UN Global Study on Children Deprived of Liberty detailed many children's poor experiences in detention highlighting the urgent need for reform Applying a child centred model of detention that fulfils the rights of the child under the five themes of provision protection participation preparation and partnership this original book illustrates how reform can happen Drawing on Ireland's experience of transforming law policy and practice and combining theory with real life experiences this compelling book demonstrates how children's rights can be implemented in detention This important case study of reform presents a powerful argument for a progressive rights based approach to child detention Worthy of international application the book shares practical insights into how theory can be translated into practice

*Encyclopedia of Human Rights* Edward H. Lawson, 1996

Preface to the first edition      **Oxford Studies in Political Philosophy Volume 4** David Sobel, Peter Vallentyne, Steven Wall, 2018 This is the fourth volume of Oxford Studies in Political Philosophy The series aims to publish some of the best contemporary work in the vibrant field of political philosophy and its closely related subfields including jurisprudence normative economics political theory in political science departments and just war theory      **The Protection of Human Rights in the Administration of Criminal Justice** Alfred de Zayas, M. Cherif Bassiouni, 2023-11-27 This compilation brings together all the relevant procedural norms and standards applicable to criminal processes whether national regional or international The instruments are systematically arranged and the category listing is in chronological order The procedural instruments are exhaustive providing the reader with a single comprehensive source for all these norms and standards Published under the Transnational Publishers imprint      Encyclopedia of Global Studies Helmut K. Anheier, Mark Juergensmeyer, 2012-03-09 With all entries followed by cross references and further reading lists this current resource is ideal for high school and college students looking for connecting ideas and additional sources on them The work brings together the many facets of global studies into a solid reference tool and will help those developing and articulating an ideological perspective Library Journal The Encyclopedia of Global Studies is the reference work for the emerging field of global studies It covers both transnational topics and intellectual approaches to the study of global themes including the globalization of economies and technologies the diaspora of cultures and dispersion of peoples the transnational aspects of social and political change the global impact of environmental technological and health changes and the organizations and issues related to global civil society Key Themes Global civil society Global communications transportation technology Global conflict and security Global culture media Global demographic change Global economic issues Global environmental and energy issues Global governance and world order Global health and nutrition Global historical antecedents Global justice and legal issues Global religions beliefs ideologies Global studies Identities in global society Readership Students and academics in the fields of politics and international relations international business geography and environmental studies sociology and cultural studies and health      *Remarks on the Law of Imprisonment for Debt* Thomas Herttell, 1823      *The Violence of Incarceration* Phil Scraton, Jude McCulloch, 2023-04-21 Conceived in the immediate aftermath of the humiliations and killings of prisoners in Afghanistan and Iraq of the suicides and hunger strikes at Guantanamo Bay and of the disappearances of detainees through extraordinary rendition this book explores the connections between these shameful events and the inhumanity and degradation of domestic prisons within the allied states including the USA Canada Australia the UK and Ireland The central theme is that the revelations of extreme brutality perpetrated by allied soldiers represent the inevitable end product of domestic incarceration predicated on the use of extreme violence including lethal force Exposing as fiction the claim to the political moral high ground made by western liberal democracies is critical because such claims animate and legitimate global actions such as the war on terror and the indefinite detention of tens of thousands of people by the United

States which accompanies it The myth of moral virtue works to hide silence minimize and deny the brutal continuing history of violence and incarceration both within western countries and undertaken on behalf of western states beyond their national borders



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