

Routledge Research in Human Rights Law

CRIMINAL PUNISHMENT AND HUMAN RIGHTS: CONVENIENT MORALITY

Adrian Sattar



Punishment And Human Rights

Rachel Sandford



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

Human Rights Watch Undue Punishments Abuses Against Prisoners in Georgia , 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

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 Right 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 **Human Rights in the Constitutional Law of the United States** Michael J. Perry, 2013-07-08 This book explicates the morality of human rights and elaborates three internationally recognized human rights that are entrenched in U S 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 Human Rights Adamantia Pollis, Peter Schwab, 2000 5 Human environmental rights Barbara Rose Johnston **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 **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

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