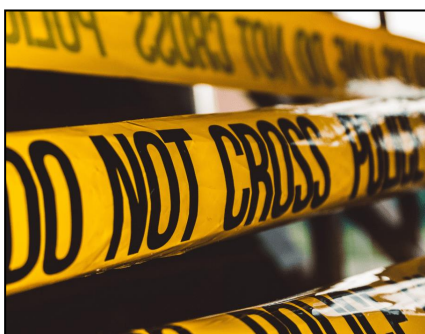




Crime & Punishment

Tampines Meridian Junior College
JC1 General Paper
2023



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• An Overview •

Unit Title: Crime and Punishment		
Inquiry Questions: <ul style="list-style-type: none"> • Can crime ever be eradicated? (MJCJ1MYE12) • How far has modern technology made it difficult to commit a crime in your country? (MJCJ1PE17) • 'Rehabilitation, not punishment, should be the purpose of the justice system.' Discuss. (2017) • To what extent is it possible to make the punishment fit the crime? (2013) • Consider the view that people imprisoned for crimes should lose all their rights. (2022) • 'Too much attention is given to criminals; not enough to their victims.' Is this true? (2005) 		
Unit Strand: Keeping up with Crime - Causes of crime and the impact of modern technology on crime	Unit Strand: The Justification of Punishment	Unit Strand: The Rights of Criminals VS The Rights of Victims
Conceptual lens: Fairness, System & Change	Conceptual lens: Fairness, System & Change	Conceptual lens: Fairness, System & Change
Concept: Law & Enforcement, Governance, Social Order & Behaviour	Concept: Fairness, Justice System, Human Rights, Morals and Ethics, Social Justification	Concept: Morals and Ethics, Common Good
Topic: Cybercrime, Anonymity of the Internet, Dark Web, Corporate crime	Topic: Rehabilitation, Retribution, Juvenile Crimes, Harsh punishment (eg. Capital Punishment & Corporal Punishment)	Topic: Privacy and Dignity of the Victim, Second Chances
Possible Generalisation(s):	Possible Generalisation(s):	Possible Generalisation(s):

Inquiry Questions:

Can crime ever be eradicated? (MJCJ1MYE12)

How far has modern technology made it difficult to commit a crime in your country? (MJCJ1PE17)

At the end of this section, students should be able to:

Understand the changing causes of crime, societal needs, social norms.

Evaluate the impact of modern technology on crime.

● Law, Order and Crime ●

Reading Set 1

The law is important because it acts as a guideline as to what is accepted in society, therefore serving as a norm of conduct for citizens. Since laws were made to provide for proper guidelines and order, there would be conflicts between social groups and communities without them. It is thus pivotal that we follow laws so as to maintain the smooth functioning of society.



How do societies decide what is acceptable behaviour?

Who should lead this discussion?

What would happen if laws did not exist in society?

● Types of Crime ●

What is a Crime?

A crime occurs when someone breaks the law by an overt act, omission or neglect that can result in punishment. However, it is important to remember that the **causes of crime are complex and multi-faceted**, and that criminals come from all walks of life. No matter the conditions of the crime, individual responsibility remains the most important factor in the decision to cause harm. Being from a disadvantaged background or a privileged one does not predispose someone to crime.

There are two major categories of crime: property crime and violent crime:

Property Crimes: A property crime is committed when someone damages, destroys or steals someone else's property, such as robbery, criminal breach of trust, theft, extortion, vandalism. Property crimes are by far the most commonly committed crime in the United States.

Violent Crimes: A violent crime occurs when someone harms, attempts to harm, threatens to harm or even conspires to harm a human. Violent crimes are offenses which involve force or threat of force, such as rape, homicide/murder, kidnap, assault, outrage of modesty.

Omission can be a crime

Some crimes can involve no action at all, but rather not taking action, e.g. withholding medication or neglecting someone who needs medical care.

Different types of Crimes

Youth Crime/Juvenile Delinquency refers to participation in illegal behaviour by minors/ juveniles (individuals younger than the statutory age). In Singapore, the Children and Young Persons Act (CYPA) defines a "Child" as below 14 years old and "Young Person" between 14 and 16. Such juveniles are tried by the Juvenile Court rather than in the Subordinate Court.

**Juvenile
Delinquency
in the
Philippines:
Is Juvenile
Justice Fair?**



Scan the QR to read
the article



Scan here to read: Harvey Weinstein scandal: Who has accused him of what?

Sex Crimes are forms of human sexual behaviour that run counter to laws. Some sex crimes are crimes of violence that involve sex. Others are violations of social taboos, such as incest, sodomy or indecent exposure. There is much variation among countries/cultures regarding the kinds of social taboos that are criminalised, and how such sex crimes are punished. Examples of this type of crime include rape and outrage of modesty.

Cybercrime refers to offences committed using modern telecommunication networks such as the Internet (Chat rooms, emails, notice boards and groups) and mobile phones (SMS/MMS). Examples of this type of crime include online pornography, fraud and deception, illegal downloading of music, hacking, spam email containing virus attachments that 'phish' for personal information, leading to identity theft.

Scan here to read: \$227.8m lost to top 10 scams in first half of 2022, as overall crime rises by 36%



White-collar crime refers to non-violent crimes that are committed for illegal monetary gain. It is carried out by workers in professional positions, who sometimes use their positions to carry out illegal activities against the interests of the companies they work for. Examples of this type of crime include fraud (tax fraud, securities and land fraud), illegal sales practices like Ponzi schemes, insider trading, bribery, embezzlement, copyright infringement, money laundering and identity theft.



Scan here to read: Bernie Madoff – How his Ponzi scheme worked



Scan here to read: EU probes Volkswagen, BMW and Daimler over alleged emissions collusion

Corporate crime, not to be confused with white-collar crime above, describes the types of offences committed by *large corporations*, causing harm to individuals, social groups and society as a whole. Types of corporate crimes could include ❶ environmental damage, ❷ unrectified manufacturing defects, ❸ labour exploitation, ❹ unfair trade practices e.g. collusion, ❺ financial scams and ❻ administrative.

Organised Crime refers to forms of activity that have many of the same characteristics as orthodox business, but are illegal, such as smuggling, illegal gambling, drug-trafficking, human-trafficking, prostitution, money-laundering, protection rackets and weapons sales. Organised criminal gangs usually rely on violence (or the threat of) to conduct their activities. They have also in recent years become increasingly transnational in scope, being able to coordinate their criminal activities across borders.

Scan here to read: SE Asia's meth gangs making US\$60 billion a year



Scan here to read: Texas Walmart shooting appears to be hate crime

Hate Crimes occur when the criminal targets a victim because of prejudices about his/her race, religion, sexual orientation, social class, nationality, age, or gender. Such incidents may involve physical assault, damage to property, bullying, harassment, verbal abuse or offensive graffiti.

Crimes against humanity – As defined by the Allied forces in post-WWII 1945, crimes against humanity refer to murder, extermination (genocide), enslavement, torture, forced deportation, and other inhumane acts committed against **civilian populations**, in times of peace or war; or persecutions on political, racial or religious grounds. They are not isolated or sporadic events, but are part either of a government policy or of a wide practice of atrocities tolerated or condoned by a government. Some examples include the Holocaust carried out by Nazi Germany against the Jews in WWII and the 1994 Rwandan genocide which killed 800,000.

● Causes of Crime ●

The following section highlights the causes and impacts of crime. As you read them, do note that the causes of crime are complex and multi-faceted, and that criminals come from all walks of life. No matter the conditions of the crime, individual responsibility remains the most important factor in the decision to cause harm. Being from a disadvantaged background or a privileged one does not predispose someone to crime.

Root Causes of Crime

Adapted from the Waterloo Region Crime Prevention Council

Individuals need to be responsible for their own actions. An understanding of root causes cannot and should not be seen as a way to absolve us from personal accountability. However, while individuals have an obligation to act responsibly and with respect for their fellow citizens, communities have a responsibility to address those conditions, which hinder healthy development and can become the breeding ground for crime. The root causes of crime are well documented and researched. Crime is primarily the outcome of multiple adverse social, economic and family conditions.

To prevent crime, it is important to have an understanding of its roots. These are complex and interrelated, but can be summarised in three main categories:

- **Economic Factors/Poverty**
- **Social Environment**
- **Family Structures**

Economic Factors/Poverty

In addition to the lack of financial resources, poverty manifests itself in a lack of educational opportunities, lack of meaningful employment options, poor housing, lack of hope and the prejudice against persons living in poverty.

Social Environment

Our social structure mirrors to citizens and communities what we value and how we set priorities. Social root causes of crime are: inequality, not sharing power, lack of support to families and neighbourhoods, real or perceived inaccessibility to services, lack of leadership in communities, low value placed on children and individual well-being, and overexposure to television as a means of recreation.

Family Structures

Families are uniquely placed in contributing to raising healthy responsible members of society. But the task of putting children first goes well beyond the family to include communities and society. Dysfunctional family conditions may contribute to future delinquency. These conditions include: parental inadequacy; parental conflict; parental criminality; lack of communication (both in quality and quantity); lack of respect and responsibility; abuse and neglect of children and family violence.

Risk Factors

When several risk factors are combined, there is a higher probability that crime occurs. But a cause-effect mind-set makes it too easy to assume that the existence of a risk factor inevitably leads to criminality. For example, the research literature overwhelmingly points to poverty as a factor in criminal behaviour. However, many poor people do not engage in crime.

Multiple Factors

Risk factors combine to make the probability of criminal behaviour more likely. They are supported by research and no one variable should be considered in isolation. Many persistent offenders begin their involvement in anti-social activities before and during adolescence. Age alone is not a risk factor. It must be looked at in context of poverty, racism, family violence, parental and community neglect and problems at school. Research into persistent offending has emphasized the need to focus prevention efforts on early childhood years. Birth to age 5 is the most critical time for healthy social and emotional development.

Genes

Some argue that children may be born with genes which predispose them towards aggressive or anti-social behaviour. At the very least, genes might predict whether someone is more likely to become a

criminal, allowing for early intervention and prevention.

Gender

While crime rates for females have increased in recent years, males are much more likely to be involved in crime. The research points out that crime usually involve aggression, risk taking and predatory behaviour.

Social and Economic Disadvantage

While there is no direct cause and effect relationship between poverty and crime, the conditions arising out of poverty combine to create "high" risk populations who are over-represented in the criminal justice system. Low family income and poor housing often amplify poor parental supervision, marital disharmony, inconsistent care, poor nutrition, chronic health care problems, poor school performance and psychological disorders.

Persistent Unemployment

Studies find that a high number of youth and adults admitted to correctional facilities are unemployed. Persistent unemployment often creates a sense of despair, particularly amongst youth and can provoke angry expression including theft, substance and alcohol abuse, as well as child and family violence. Similarly, unemployed men released after terms of incarceration are more likely to re-offend. Failure in school and an unstable job situation can combine to continue an individual's involvement in crime.

Home Environment

There is a direct link between the abuse of women and child abuse and future delinquent behaviour. Lack of parental supervision, parental rejection and lack of parent-child involvement are consistent indicators of delinquent behaviour. Parenting that features inconsistent, incoherent, overly punitive or too permissive methods of discipline also increase the risk of delinquency. As children, offenders are less successful in school, have lower attendance rates and are more likely to leave school early than their peers. Early school leavers experience many difficulties, the most obvious being unemployment or under-employment.

Substance Abuse

Alcohol and substance abuse are often associated with criminal behaviour. Many offenders are under the influence of drugs or alcohol when offenses are committed. Regular alcohol use during adolescence can lead to higher conviction rates in adulthood. To a lesser extent, research speaks of the influence of television and other multi-media on the behaviour of children. There is also some evidence that there are links between diet and violent behaviour.



- Is crime the result of individual choices and actions, or societal pressures and problems?
- Who is really to blame for crime then?

• Counting the Costs of Crime •

The following can be counted as costs associated with crime for the victim, the criminal and the society:

1. **Victim** – Direct economic losses suffered by crime victims, including medical care costs, lost earnings / income, and property loss / damage. Less tangible, but longer lasting, would be the resulting trauma, emotional suffering, psychological distress and decreased quality of life for the victim.
2. **Criminal** – Opportunity costs incurred by the criminal due to incarceration or other punishments.
3. **Criminal justice system** – Government funds spent on policing, legal and judicial services, and corrections programmes. The latter includes incarceration / imprisonment, rehabilitation programmes, as well as public education programmes to deter crime.
4. **Economic costs** – High crime levels can derail the tourism industry by scaring away potential tourists, and can deter investors in other sectors who fear the difficulty of having to do business while being threatened by organised crime networks.

● KEEPING UP WITH CRIME ●

The changing nature of crime in the 21st century poses a global challenge, exposing a plethora of new threats and harms. Differences in national prohibitions, regulations and tax structures open opportunities for transnational crime. New forms of crime, advanced technologies, and evolving relationships with the communities are shifting the very foundations of police work. With the advancement of technology there has been a great increase in the capabilities of individuals to conduct criminal activities. This new category of crime – “cybercrime” – has been created and further enabled through technology. At the same time, technology has also assisted the police in catching up with crime but not always successful.



Read the following 4 articles and fill in the table on page 13.

Article 1: Southeast Asia is now dominant in the illegal drugs trade

Jul 16, 2020 | Channel News Asia

NEW DELHI: The Golden Triangle Region of Southeast Asia is one of the major producers of illicit drugs. This region includes northern Thailand, western Laos, and eastern Myanmar. Earlier, the region was known for its opium cultivation, processing and distribution across Southeast Asia and other parts of the world.

However, in recent times the region has occupied a dominant position in the production and trafficking of methamphetamine as media reports estimate the synthetic drug's total trade value in the Mekong sub-region at over US\$40 billion a year.

Another addictive stimulant drug, amphetamine, is also estimated to have a similar trade volume throughout Southeast Asia - between US\$30 billion to US\$60 billion - according to the United Nations Office on Drugs and Crime (UNODC).

THE GOLDEN TRIANGLE OF SYNTHETIC DRUGS

This rise in the production of synthetic drugs is also due to the availability of precursor chemicals in neighbouring countries like India and China.

These drugs can be easily manufactured in a laboratory with precursor chemicals, like pseudoephedrine and sulphuric acid, and unlike opium, do not need to depend on seasonal harvest.

Myanmar has turned into a major drug producer, whereas Laos and Thailand have turned into major drug trade routes. Drugs are smuggled into the Yunnan Province of China and from there to Guangdong, Hong Kong and Macao.

Similarly, Ho Chi Minh City, Manila and Phnom Penh have become leading centres in the drug distribution. The drug traffickers use various corridors and shipments from Laos to Thailand, Vietnam and Cambodia, or southern Myanmar to southern Thailand to other parts of the region and beyond.

Infrastructural development plans such as the Chinese Belt and Road Initiative **have created easy passages** for such syndicates to traffic drugs to different parts of the world. The "Golden Triangle", the intersection of northern Thailand with Myanmar and Laos was notorious for conflict and drugs.

The drug syndicates operating in the region have connections with other transnational criminal organisations such as the Japanese yakuza, Vietnamese gangs, Nigerian groups, and Colombian cartels to distribute illicit drugs worldwide.

Transnational criminal organisations are attracted to the drug trade due to its high profit earning capacity.

Drugs, similar to other food items, once consumed need to be purchased again for future consumption. Therefore, the demand for them remains constant, which is not necessarily the case with other illicit items such as arms or precious stones.

The high demand and high profit earning capacity makes it a lucrative trade for transnational criminal organisations.

According to media reports, some ethnic armed groups in Myanmar, such as the United Wa State Army (UWSA), or the National Democratic Alliance Army (NDAA), have been active in the drug trade for decades.

Drugs are mainly produced in the highlands of eastern Myanmar which is **poorly developed economically**. The armed groups have control over the border region with China, Laos and Thailand. On the other hand, Thailand and Laos have **minimal control over their remote and border areas which make them easily penetrable**.

COVID-19 HASN'T CURBED DEMAND AND SUPPLY

The availability of drugs during the COVID-19 pandemic demonstrates the failure of authorities in controlling the expansion of the illicit trade.

"While the world has shifted its attention to the COVID-19 pandemic, all indications are that production and trafficking of synthetic drugs and chemicals continue at record levels in the region," UNODC representative Jeremy Douglas told media in May.

Millions of dollars worth of meth crosses the borders in the Golden Triangle, an area straddling Laos, Thailand and Myanmar.

With changes in the social system since the virus outbreak like social distancing and lockdowns, the drug syndicates have started utilising social media platforms to continue the sale of drugs.

This not only expands the trade but also reduces the cost of drugs as the syndicates drop the parcels at specified locations, and the buyers can easily take their packages from the assigned places.

It has become harder for the police to clampdown these deals as private chats are used to sell and buy drugs.

The current situation where many are **facing unemployment or a reduction in income**, there is a high vulnerability for the **marginalised and economically lower strata of society** to participate in the drug business.

ADDRESSING THE ROOTS OF THE PROBLEM

To curb the illicit drug trade during and after the pandemic, Southeast Asian countries need to focus, among others, on the **social aspects related to drug trafficking in the region**.

There is a need to tackle the issue as a societal concern along with it being a non-traditional security threat to the region and the wider world.

There is high demand for drugs like methamphetamine among the youths in Southeast Asia for **recreational purposes or as a source of energy to fulfil their daily mundane duties**.

Drug consumption is also considered **fashionable and a modern thing to do, and is also practiced by the youths to be a part of their social knits**.

Both men and women are involved in the distribution and consumption of drugs.

As per the social norms of the region, women are not suspected to be a part of the drug trade, therefore, they are often used to traffic drugs because the drug dealers believe that women will not be or are unlikely to be arrested by the police.

The conditions at rehabilitation centres can often be challenging, which discourages addicts from completing their treatment.

In his 2015 paper for the Brookings Institution, James Windle wrote that in Thailand, for instance, "compulsory treatment centres are often run by the military" where "human rights groups have reported cruel, inhuman and degrading punishments."

Moreover, availing these facilities can be expensive in the long-run which discourages drug-users from completing their treatments. Women often leave the rehabilitation mid-way or do not avail such facilities due to the fear of social stigma.

The US\$40 billion a year meth trade is entering markets far beyond the "Golden Triangle" as gangs take **advantage of corrupt law enforcement and border controls**.

Governments have failed to focus on alternative development programs which can provide drug cultivators alternative means of livelihood.

To reduce the drug trade, **it is vital to engage and involve the communities harmed or affected by the illicit trade**.

This would help in reducing the social stigma and discrimination towards the drug-users and those who are involved in the drug business.

Moreover, authorities responsible for the implementation of counter-narcotics policies and medical services providers need to be well-trained about the sensitivity of the issue they are dealing with. The COVID-19 pandemic has caused travel restrictions; and closed borders have affected the production and supply of the drugs.

But a reduced government focus on drug trafficking can allow the drug syndicates to expand their trade in new-found ways.

Article 2: Legally challenging to deal with sexual assault in virtual reality, say lawyers

Aug 2, 2022 | The Straits Times

SINGAPORE - There may be **legal difficulties** in dealing with criminals in virtual reality (VR) due to the **novel nature of virtual spaces**.

Singapore Management University law don Eugene Tan said the question is whether **current laws extend to sexual crimes in the virtual space**.

Prof Tan said that in the real world, the alleged perpetrators and victims are clear. But the question of who the offenders and victims are in VR can be debatable.

He said: "Is it the avatars or the persons in the real world? While the avatars have no free will or autonomy, can that be attributed to the human persons embodied by the avatars?"

He added if it is accepted that VR is an extension of the physical world, and an avatar is the extension of a person, then it stands to reason that sexual assault against avatars should be treated as a sexual offence.

But in contrast, Prof Tan said, when one plays a violent computer game, **no one reasonably regards it as an extension of the real world**.

Lawyer Joshua Tong of Kalco Law said it is unlikely that molestation in VR would be made out as an offence of molestation under the Penal Code at present.

He said this is due to how molestation under the Penal Code has an element of criminal force, which requires physical contact with the victim's body, clothes or accessories.

"The mere fact the victim's sense of feeling is affected through the VR's immersive experience is not sufficient," he said.

"However, whether such forms of harassment should be punished with equal severity using the criminal justice system is a far more **complex question**. It would require extensive consultation and debate before a decision is reached, given the fact that the two situations are, on the surface, not identical."

He added however, that other laws under the Penal Code and Protection from Harassment Act (Poha) could plausibly be used to deal with online transgressions.

But Mr Tong said while it may be possible to deal with such acts via a harassment claim under Poha for example, it may not be sufficient for victims.

He said: "If one is of the view they have been sexually assaulted, a harassment claim may not give these individuals the redress they feel they deserve, especially given the fact that the penalties for harassment claims are a lot lighter as compared to the sentences for sexual offences."

Prof Tan said **if online harms such as falsehoods and hate speech are dealt with by the law, there is a strong case that sexual crimes in virtual spaces must be similarly treated.**

"Acts which are criminal in the real world should have no place in the virtual world," he said. "To have two different realities is to encourage impunity and criminal behaviour that can spill from the virtual to the real."

Prof Tan added that **technology often races ahead of the law**, so any **perceived legal gap is to be expected**.

But while waiting for the authorities to act, it is in the interests of developers to self-regulate, providing safeguards against sexual harassment.

He said: "They will need to promote the environment for appropriate social norms to be observed in such virtual spaces. So even as new and more immersive virtual worlds are being created, there is the urgency and the imperative to create and enforce necessary social norms."

Article 3: Philippines declares 'war' against online child pornography

Aug 24, 2022 | The Straits Times

The Philippines has declared an all-out "war" against the sexual exploitation of children online, vowing to prosecute and jail perpetrators amid a threefold surge in online sexual abuse cases involving children.

In a joint press conference on Tuesday (Aug 23), members of President Ferdinand Marcos Jr's Cabinet said they would crack down with tougher measures on those behind child pornography material involving Filipino minors.

"We're declaring a war on this," said the country's Justice Secretary Jesus Crispin Remulla, adding that there would be no hesitation in prosecuting anybody who contributes to the sexual exploitation of children online.

Concerned government agencies, from law enforcement to the information and communications technology ministry, promised to prioritise holding violators accountable for exploiting children online.

They did not provide details of their plan for now.

Officials have attributed the rise in online child sexual abuse cases to **new technologies, lax rules on foreign travellers and pandemic lockdowns**.

Latest available data from the Justice Ministry showed online child sexual abuse cases rose to 279,166 during the Covid-19 lockdown in the Philippines from March to May 2020. That accounts for a whopping 264.6 per cent increase compared with the same period in 2019, when recorded cases were at 76,561.

A 2022 study by Unicef, Interpol, and Ecpat International, a global network of organisations against the sexual exploitation of children, also said that around 20 per cent of Internet users in the Philippines who are between 12 and 17 years old had been sexually abused online.

Social Welfare Secretary Erwin Tulfo said child pornography has been a problem in the Philippines for a long time, but that it has often been overshadowed by other issues.

When the pandemic hit, Mr Tulfo said several **cash-strapped parents ended up prostituting their own children online and offering them up for sexual exploitation.**

"We're so busy with other problems like the pandemic, war on drugs, terrorism in Mindanao. The online sexual abuse of children has been there and it's a big problem, but it was being neglected. So right now, this administration is keen and very serious on stopping this," said Mr Tulfo.

It does not help that the **Philippines makes it easy for foreigners to enter the country**, said Mrs Nikki Prieto-Teodoro, Mr Marcos' envoy to Unicef.

"It's easy to come to the country. Lockdown played a big part of parents prostituting, marketing their children online for profit. It's easy to put up a site," said Mrs Teodoro.

In 2018, Australian sex offender Peter Gerard Scully was jailed for life in the Philippines for running a cybersex den exploiting Filipino minors from the regional island of Mindanao. He would record himself as he sexually abused the children, even a one-year-old baby, then sell the videos to his clients in Europe.

The Marcos administration's clampdown on sexual abuse of children online comes roughly a month after a law took effect on July 30 to give more teeth to the Anti-Pornography Act.

Under the country's legislative rules, a Bill passed by its bicameral Congress automatically becomes law if the president does not act on it 30 days after receipt from lawmakers.

Congress gave the green light for the Bill, known as the Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) Act, and submitted it for signing by former president Rodrigo Duterte on June 29.

But he did not touch the Bill until his term ended the next day. His successor, Mr Marcos, neither approved nor rejected it, allowing the constitutional rule for pending Bills to become law to take effect.

The OSAEC Act penalises the combined use of offline and online means to sexually exploit children.

It also mandates accountability from social media platforms and other electronic service providers where child pornography materials may be spread. Internet platforms must take down these posts, preserve the evidence and submit them to law enforcement agencies.

Those who wilfully subscribe to child pornography websites, even social media users who create posts making children objects of sexual fantasy, will be penalised in the Philippines.

Depending on the severity of the crime, violators may face jail time of a minimum of six years and up to life imprisonment, plus a fine ranging from 100,000 pesos to 20 million pesos (S\$2,500 to S\$498,000).

Article 4: 'Honor Killings' Continue Unabated in Pakistan

July 28, 2022 | The Diplomat

In late May, two Pakistani-origin Spanish sisters, Arooj Abbas and Aneesa Abbas, were tortured and shot dead in Pakistan's Punjab province for refusing to take their husbands — cousins from forced marriages — to Spain. The two women were considering divorcing their husbands. Investigations confirmed that "the sisters were killed in the name of 'honor'," investigating police officer Muhammad Akhtar said.

According to the Human Rights Commission of Pakistan, over 470 cases of honor killings were reported in Pakistan last year. But human rights defenders estimate that around 1,000 women are killed in the name of honor every year.

This is likely to be just the tip of the iceberg. Few such murders are reported and rarely does anyone face trial.

This is because victims of honor killings are widely perceived in Pakistan to have brought shame and dishonor to their relatives. The killings are usually carried out by family members. Among those who have been arrested for the Abbas sisters' murders are their husbands, an uncle, and two brothers.

Honor killings are often considered private family matters and are therefore rarely reported. The fate of the Abbas sisters made it to social media after several senior journalists and activists campaigned for justice to be done.

Another victim of an honor killing was Qandeel Baloch. Her case received much media and legal attention because she was a social media celebrity. Yet despite the wide media coverage her case received, her killer — her brother, who was awarded life imprisonment in 2016 — was recently acquitted for her murder.

According to the Human Rights Watch, the most common reason for honor-related crimes is the violation of social norms and what is thought to be accepted social behavior. A woman's choice of clothing, employment, or education; refusal to accept an arranged marriage; getting married without family's consent; seeking a divorce; being raped or sexually assaulted; having intimate or sexual relations before or outside marriage, even if only alleged — these are seen to be valid reasons for an honor killing.

According to Amnesty International, honour killings are "committed predominantly against women and girls." But men too fall prey to this custom as was the case in the Kohistan video murders.

In 2011, a video emerged of a group of five young women and a teenage boy clapping hands, singing, and dancing. The video was reportedly shot by a male. Although the women and the boy were never seen in the same shot, it became an issue of honor for the families of the women. All five women were killed by family members in May 2012. The two boys were also killed subsequently by the women's families.

The murders came to light when Afzal Kohestani, the brother of the two boys, campaigned for justice. His efforts prompted the Supreme Court to order an investigation into the murders.

The investigation began but soon the allegations were dismissed as false. Kohestani persisted with his quest for justice. His home was firebombed and with his life under threat, he sought protection. In 2019, he too was killed.

In a society where honor killings are justified and where family honor matters more to people than putting food on the table or the wellbeing of their own children, it is very difficult to enact laws in the first place against this custom, let alone secure court decisions against the perpetrators of the violence.

The first attempt to outlaw this custom in Pakistan was made almost two decades ago.

In 2004, Pakistan's National Assembly passed the Honor Killing Act, which made any killing in the name of honor a punishable crime. **But the law came with a loophole; it was passed as part of Section 302(c) in the criminal law (amendment) of the Pakistan Penal Code, which gives relatives of the victim the right to forgive the convict through an Islamic legal practice known as Diya. Heirs of the victim may forgive the convict and thus the penalties would not apply. This is an especially troubling practice in the context of honor killings, where often family members are the very ones committing the murder.**

In 2016 following the killing of Qandeel Baloch, the National Assembly enacted the Anti-Honor Killing law. This legislation closed the loophole discussed above by mandating life imprisonment for the convict even when the victim's relatives forgive the murderer.

The law that allows relatives of the victim to forgive the murderer is still in Pakistan's rule books, however, and in practice. Qandeel Baloch's brother was acquitted under this law. The mother was given the freedom to forgive her son after the judge ruled the case was not an honor killing.

This ruling and the fact that hundreds of cases of honour killings in Pakistan go unreported will continue to keep women and men vulnerable to being killed in the name of protecting the honour of the family.

Human rights and women's rights groups continue to campaign to enforce the implementation of the Anti-Honour Killing law. They are raising social awareness about the true nature of so-called honour-related crimes. But it will be a long time before society wakes up to the fact that there is little honour in these killings.

Activity: Fill in the table

Based on the 4 articles read, jot down your responses to the questions below for each article.

Conceptual question: What challenges do law enforcers face in tackling crime?

Responses from article 1: What are the causes of this crime? What challenges do law enforcers face in tackling this crime?	Responses from article 2: What are the causes of this crime? What challenges do law enforcers face in tackling crime?
Responses from article 3: What are the causes of this crime? What challenges do law enforcers face in tackling crime?	Responses from article 4: What are the causes of this crime? What challenges do law enforcers face in tackling crime?

Based on the trends identified across the 4 case studies, generate generalisations that reflect the patterns you have identified.

makes it difficult to eliminate crimes.

Discussion Question:

"Can crime ever be eradicated?" (MJCJ1MYE12)

Inquiry Questions:

'Rehabilitation, not punishment, should be the purpose of the justice system.' Discuss. (2017)
To what extent is it possible to make the punishment fit the crime? (2013)

At the end of this section, students should be able to:

Articulate the functions and types of punishment

Evaluate the appropriateness & effectiveness of the punishment meted out for each crime.

• Justification of Punishment •

Reading Set 2

To maintain law and order in society, it is important that appropriate punishment is meted out to address the root cause(s) of crime. While some argue that the chief function of punishment is to achieve retributive justice for victims, increasingly, progressive societies are embracing the notion of paying attention to the needs of the criminal by implementing rehabilitation to curb recidivism. Yet another approach in the form of restorative justice seeks to reconcile the conflict between victims and perpetrators.

Given the fact that the causes of crime are complex and multi-factorial, it requires a multi-pronged approach with a good balance of rehabilitative and punitive measures. There are two views.

Which one of the two views below are you more inclined to support? Justify your stand.

- **Individualists feel that** *society needs clearer rules and strong punishment to minimise criminal behaviour and tend to focus on individual weakness or lack of 'values' as reasons why people commit crimes.* They believe if someone chooses to commit a crime, it is their responsibility. If punishments were stronger and the police and the courts had more powers, there would be less crime.
- **On the other hand, collectivists feel that in order to tackle crime,** *the social conditions which create the conditions for crime need to be addressed.* Thus, better housing, better employment opportunities and a more equal society will make crime less of an attraction. If people are working and are content with life, they will be less motivated to break the law.

Punishment

the infliction or imposition of a penalty as retribution for an offence.

Punishment is usually:

1. Imposed by an authority,
2. Involves some loss to the supposed offender,
3. Is meted out in response to an offence, and
4. The person upon whom the loss is imposed be deemed at least somewhat responsible for the offence.

5 Functions of Punishment:

1. **Deterrence** – A measure to **prevent** people from committing an offence. The punishment is intended to be sufficient that people would choose not to commit the crime rather than experience the punishment.
2. **Rehabilitation** – A goal of rehabilitation is to prevent habitual offending, also known as criminal recidivism. Rather than punishing the harm out of a criminal, rehabilitation would seek, **by means of education, skills training or therapy**, to bring a criminal into a more normal state of mind, or into an attitude which would be **helpful and useful to society**.
3. **Restoration** - For minor offenses, punishment may take the form of **the offender "righting the wrong", or restitution**. Community service or compensation orders are examples of this sort of penalty.
4. **Incapacitation** – **Removing the offender's ability to** have any contact with potential victims or **commit further offences**. Examples are death penalty, chemical castration and amputation of limbs.

5. **Retribution** – An attempt to ‘rebalance’ any unjust advantage gained by ensuring that the offender also suffers a loss. It involves **seeking vengeance on behalf of the aggrieved party**, or society as a whole, even if it has no restorative benefits for the victim. One objective of retribution is **to acknowledge public anger and diminish the perceived need for retaliatory "street justice", blood feud and vigilantism.**

● Different Types of Punishment ●

Given that there are 5 functions to punishment, not all forms of punishment may fulfil (or seek to fulfil) all functions. The following section evaluates the pros and cons of different forms of punishment. As you read it, consider what functions the following forms of punishment are meant to fulfill.

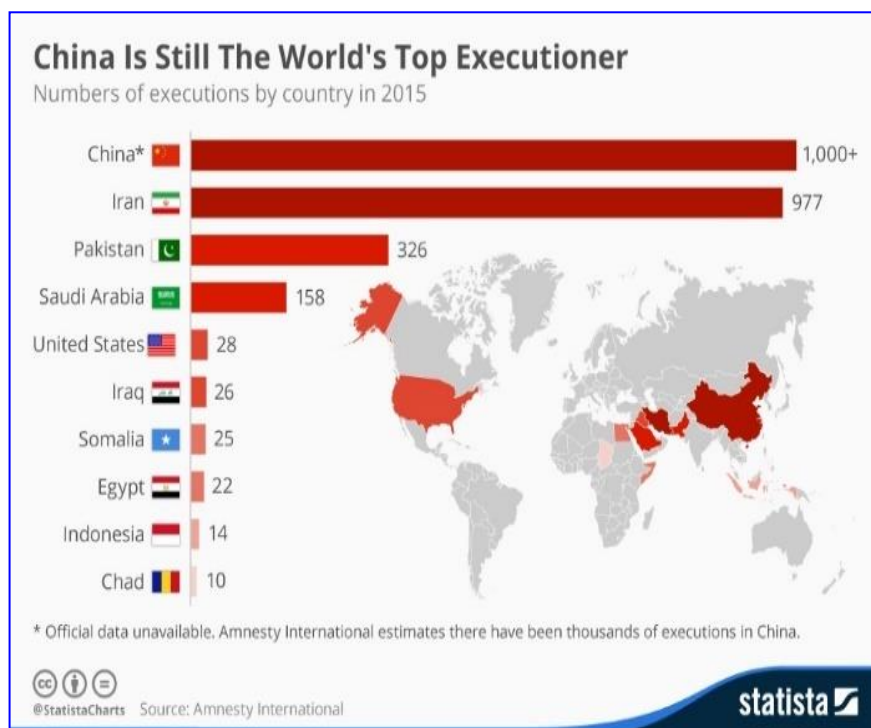
(I) INCARCERATION (IMPRISONMENT)

The most commonly used form of punishment is imprisonment. The underlying principle of modern prisons is to ‘improve’ individuals and prepare them to play a fit and proper part in society once released. Imprisonment, with a reliance on long prison sentences, is also seen as a form of incapacitation and a powerful deterrent to crime as it deters future offending.

(II) CAPITAL PUNISHMENT (THE DEATH PENALTY)

Capital punishment is the practice of executing someone as punishment for a specific crime after a proper legal trial. It can only be used by a state, so when non-state organisations (e.g. terrorist organisations like ISIS) speak of having 'executed' a person, they have actually committed a murder. It is usually only used as a punishment for particularly serious types of murder, but in some countries, treason, types of fraud, adultery and rape are capital crimes.

In 2016, at least 1,032 people were executed in 23 countries worldwide. In 2015, Amnesty International recorded 1,634 executions in 25 countries worldwide - a historical spike unmatched since 1989. China remained the world's top executioner but the true extent of the use of the death penalty in China is unknown as this data is considered a state secret. Amnesty International also reported 87% of all executions took place in just four countries – Iran, Saudi Arabia, Iraq and Pakistan. According to Amnesty International, **as of April 2017, 114 countries have abolished the death penalty for all crimes.**



To Kill or Not to Kill?

Supporting the Death Penalty (Proponents)

In Singapore, the death penalty remains on our statutes. However, the type of crime for which the death penalty is applied is a matter for individual states to decide based on the impact on victims, and on society in general.

To begin with, if murder is the wilful deprivation of a victim's right to life, then our justice system's wilful deprivation of the criminal's right to the same is—even if overly severe—a punishment which fits the most severe crime that can be committed. **By taking “an eye for an eye”, the death penalty provides retribution, justice for the victim, and closure for the victim's family.**

Moreover, Singapore regards drug trafficking as a most serious crime. Singapore is a densely-populated city state with large numbers of people moving across our borders every single day. **We are situated in a region with major drug production and trafficking centres such as the Golden Triangle, putting us at the forefront of the struggle against drugs.** Drugs have a devastating impact on the individuals, on the families and on societies. Globally, there were over 207,000 drug-related deaths in 2014. Including the families that have suffered grave misfortune and young adults who have been deprived of the opportunity to fulfil their potential – it is several orders of magnitude larger than 207,000 per year. **Capital punishment for drug-related offences and for murder has been a key element in keeping Singapore drug free and keeping Singapore safe. The death penalty has deterred major drug syndicates from establishing themselves in Singapore,** allowing us to keep the drug situation under control.

Adapted from a 2016 speech by Minister Vivian Balakrishnan at the UN General Assembly

Against the Death Penalty (Abolitionists)

The most important one is the virtual certainty that **genuinely innocent people will be executed** and that there is **no possible way of compensating** them for this **miscarriage of justice**. Even if they are indeed guilty of the crime committed, their sentencing remains an excruciating experience which **the innocent family and friends of criminals must also go through in the time leading up to and during the execution.**

Unfortunately, many countries are inefficient at administering the death penalty. In America, a prisoner spends an average of 12 years on the death row awaiting the outcome of numerous appeals, which **increases the suffering of the prisoner and the financial costs incurred by the state.** While supporters argue that having an effective deterrent against crime is worth the cost, studies seem to suggest otherwise. Research shows that **American states that impose capital punishment are no safer than those that do not.**

These problems are further heightened by the ethical dilemmas posed by capital punishment. **Not only does it represent a serious violation of the criminal's human right to life, as the bluntest of "blunt instruments," the death penalty also removes any chance of rehabilitation for these individuals to give something back to society.** It must be remembered that the vast majority of criminals are ordinary people who have been led astray. In cases involving the worst criminals, their deaths may be acceptable but it is more questionable in cases involving less awful crimes, such as Singapore's hanging of Prabakaran Srivijayan for importing 22.24g of heroin in 2017.

Adapted from an opinion piece published by CapitalPunishmentUK

(III) CORPORAL PUNISHMENT



Judicial corporal punishment refers to the infliction of corporal punishment as a result of a sentence by a court of law. The punishment can be flogging, caning, or whipping. Once commonplace in many countries, it has now been abolished in most Western countries, but remains an acceptable legal punishment in some Asian, African and Middle Eastern countries. These are mostly either former British colonies such as Malaysia, Singapore, and Tanzania or Muslim countries with a system of Islamic Sharia law.

In Singapore, caning can be ordered for over 30 offences, including hostage-taking / kidnapping, robbery, gang robbery with murder, drug abuse, vandalism, rioting, sexual abuse (molest), and unlawful possession of weapons. Caning is also a mandatory punishment for certain offences such as rape, drug trafficking, illegal money-lending, and for visiting foreigners who overstay their visa by more than 90 days (a measure designed to deter illegal immigrant workers). **Caning is, in practice, always ordered in addition to a jail sentence and never as a punishment by itself.**

Singapore received much negative worldwide publicity for its caning practices in 1994 when the American teenager Michael P. Fay was convicted for vandalism with a sentence of six strokes of the cane. The case sparked off a minor diplomatic crisis between Singapore and the United States, whose government appealed to Singapore's government to remove the caning sentence. The Singaporean government eventually reduced Fay's sentence from six to four strokes.

In 2010, a Swiss national, Oliver Fricker, was sentenced to 5 months' jail and 3 strokes of the cane for breaking into the SMRT Changi Depot and vandalising an MRT train.

In Muslim countries with a system of strict Islamic Sharia law, whipping can be ordered for crimes like robbery, murder, rape, drug possession and even religious offences to do with adultery and alcohol. In 2010, a Sudanese female was publicly flogged in Khartoum (capital city of Sudan) for wearing pants under her Islamic clothing, a case which made worldwide news.

What is restorative justice?

A technique that facilitates communication between victims and perpetrators of crime, restorative justice aims to bring together both parties to repair the damage and seek reconciliation. Victims are given the chance to explain to offenders how the crime has affected their lives, obtain answers to their questions, and receive an apology, while the offenders have to account for what they have done. Restorative justice helps young criminals understand the real impact of their misdeed, allowing them to take responsibility by making amends for the harm caused.



Scan the QR code to read up on Restorative Justice, then consider the merits and demerits of such an approach to punishment.

☞ Read the following article and decide if the sentencing is fair.

Article 5: Sentencing of NUS student who tried to strangle ex-girlfriend sparks public debate

The Straits Times | 28 July 2020

He entered his former girlfriend's home in a desperate bid to persuade her to get back together, but events quickly erupted into an outburst of violence. The assault instigated by Yin, a National University of Singapore (NUS) undergraduate, resulted in him being given a 12-day short detention order (SDO), a day reporting order of five months, and 80 hours of community service.

Given the perceived laxity of the punishment, coupled with public outcry, Law and Home Affairs Minister K. Shanmugam said that the Government will review three areas: the framework of penalties for violence cases; the extent to which one's background, among other factors, should be relevant in penalties; and the relative penalties for various offences.

WAS THE SENTENCE FAIR?

Public disquiet over Yin's case has raised questions over how the judgment was made, as well as criticism over what many considered a disproportionate sentence. But legal experts The Straits Times spoke to said that the public is often not privy to the many factors being weighed when a judge decides on a sentence, and most agreed unequivocally that the sentence was fair and proportionate. Criminal lawyer Amolat Singh noted: "We hear a lot from the court of public opinion, but this is the court of law..."

Prof Ong referred to Yin's case, noting: "Rehabilitation seems to be at the forefront here. While the SDO is a community-based sentence associated with rehab, it also has an element of deterrence, as being locked up is still an unpleasant thing." Another lawyer pointed out that other mitigating factors comprised

more than what was initially reported in the media and that Yin had returned to seek forgiveness from his former girlfriend and her parents.

However, he and other legal experts noted that the issue of violence against women or the vulnerable cannot be taken lightly and is understandably one of the main reasons the case has stirred strong emotions among the community.

DO UNIVERSITY STUDENTS GET OFF LIGHTLY?

Prof Ong said it is the context of the case that drew public ire, adding that the relationship of the couple put the woman in a more vulnerable position. But changes to the law in January have allowed for harsher punishments to be meted out for crimes against the vulnerable and those in intimate relationships.

Associate Professor Ferlin Jayatissa from the Singapore University of Social Sciences' School of Law also pointed out that Yin's case is the latest in a series involving male university students that have come under public scrutiny. The recent case of NUS undergraduate Terence Siow, 24, who molested a woman in an MRT station, sparked a similar public outcry. Siow had initially been sentenced to 21 months of supervised probation and 150 hours of community service. A district judge had noted Siow's good academic results, which highlighted his "potential to excel in life" and that he had an "extremely strong propensity for reform".

He said academic qualifications are just one of the points taken into account for sentencing and accessing one's potential for rehabilitation and reintegration into society. "The exercise of sentencing justly compels a court to consider offence-centric and offender-centric factors, while balancing the retributive, deterrent and rehabilitative purposes of punishment," he said.

Having read the article, discuss with your friends if the sentencing is fair. Give reasons for your decision.

What factors do you think should be considered when meting out the punishment for a crime? Jot down your thoughts below.



Scan the above QR Code to read how the lawmakers in the Philippines are considering imprisonment as punishment for Filipinos as young as 12-years-old. The UN considers this an act of violence against children. Where do you stand on this issue?

Factors the Courts consider during sentencing

In determining sentences for offenders, the Judge or Magistrate will consider several factors (which are not exhaustive), such as:

1. The facts of the offence in question
2. The circumstances of the offence
3. The subjective factors with regard to the offender (age, illness)
4. Relevant sentencing legislation and case law
5. Previous history, whether the offence is isolated or chronic
6. Reason for committing the offence
7. State of mind at the time of the offence
8. Admission of responsibility and preparedness to make restitution
9. Capacity for rehabilitation

The Magistrate or a Judge may also take into consideration the general sentencing trends of criminal courts in relation to particular offences.

AGGRAVATING AND MITIGATING FACTORS

One of the things a Court must determine, when deciding on the appropriate sentence for an offence, is what is referred to as the 'objective seriousness' of the offence. The court does that by reference to the actual conduct of the offender that gave rise to that offence.

The Court will also consider any *aggravating factors* concerning the commission of the offence and any *mitigating factors* relevant to the offence. The Court will also have regard to the offender's personal circumstances.

An *aggravating factor* can, potentially, increase the severity of the sentence, whereas a *mitigating factor* can have the opposite effect and reduce it. Mitigating factors are any facts or circumstances that lessen the severity or culpability of a criminal act.

How important each factor turns out to be will vary, depending on the circumstances of a particular case.



Scan the QR Code to read the article, then consider if excessive stress leading to diminished responsibility is a mitigating factor in the defence of this crime. Consider other possible mitigating factors too.

Apply your knowledge!

Read the crimes listed below and determine the punishment for each crime. In each scenario, do consider the aggravating and mitigating factors you might use to determine the punishment.

Case #1 - Central Park Five

One spring evening in 1989, a 28-year-old white woman, Trisha Meili, was found beaten and raped at Central Park, New York. She had been out jogging in the park earlier. Meili was in a coma for 12 days and 5 black and Hispanic boys (aged between 14 and 16) were arrested for the crime. They were part of a group of around 30 teenagers who were seen hanging out at Central Park earlier in the evening and causing serious trouble, including badly hurting others in the park, and harassing homeless people. The 5 boys became known as the Central Park Five.

Case #2 - Negligence during high-element activity

As part of an outdoor adventure learning activity at the SAFRA Adventure Sports centre, on Feb 3, 2021, students from Anglo-Chinese School (Independent) were involved in a high-element activity. In the midst of this activity, a student, Jethro Puah Xin Yang fell off the rope course and was suspended in the loose harness with his leg straps unbuckled. This caused him to be strangled which led to him suffering from traumatic asphyxia, where external compression to his upper torso restricted his breathing, causing him to die of multiple organ failure. Muhammad Nurul Hakim Mohamed Din (22), the instructor facilitating the activity, was accused of failing to ensure that both leg straps of the safety harness worn by Puah were properly fitted before letting the student attempt the rope course, leading to the latter's death.

Case #3 - James Bulger

James Patrick Bulger was a two-year-old boy from Kirkby, Merseyside, England, who was abducted, tortured, and murdered by two 10-year-old boys, Robert Thompson and Jon Venables on 12 February 1993. Thompson and Venables lured Bulger away from the New Strand Shopping Centre in Bootle, after his mother had taken her eyes off him momentarily. Thompson and Venables took James to the Leeds and Liverpool Canal, where he was dropped on his head, leading to facial injuries. Thirty-eight people saw the three boys together, but most did nothing to intervene, or left after Thompson and Venables claimed they were all brothers. That afternoon, they repeatedly assaulted him, finally beating him unconscious and leaving him on a railway track, where he killed by a train. His mutilated body was found on a railway line 2.5 miles away in Walton, Liverpool, two days after his abduction.

Case #4 – Food delivery driver

On his way to completing a food delivery job, Sheik Salim Said, 46, crashed his car into a mother and her nine-year-old daughter at a zebra crossing in Bedok, leaving the girl with a traumatic brain injury that required surgery. At that time, he was filtering into the slip road (without slowing down) where the zebra crossing was and did not keep a proper lookout. After the accident, while he stopped briefly to move the victims to the side of the road, he ignored the woman's plea for him to call for an ambulance, then drove off to complete his food delivery. He was eventually tracked down by the police.

The 9-year-old girl suffered traumatic brain injury and had to undergo an invasive surgery. She was sedated for 10 days in the intensive care unit. She still experiences short-term memory problems and behavioural changes. The mother suffered relatively minor injuries, including abrasions.

Sheik Salim claimed that he had asked a passer-by to call for the ambulance as his phone was in his vehicle at the time. While he left to complete his food delivery order, he returned to the accident scene later, but found that the victims were no longer there by the time he arrived. Sheik Salim was also unaware that he could not drive off after an accident.

Sheik Salim is the sole breadwinner for his family. He has nine children, two of whom go to a special education school. He also takes care of his sister who is bedridden with epilepsy. Sheik Salim was very remorseful, had pleaded guilty and fully cooperated with the authorities during investigation.

Case #5 - Father kills Daughter

Tan Tian Chye, 64, lived with his wife and daughter, 35-year-old Tan Jiaping Desiree, in Bedok South. Ms Tan graduated from university in 2006 but could not hold on to a full-time job, so her parents continued to provide for her. In 2012, she fainted at a train station and Tan took her to a hospital, where she was assessed to have panic attacks with agoraphobia and hypochondriacal preoccupations. After this, Ms Tan became very anxious about leaving the flat on her own and grew very dependent on her parents and her boyfriend, who moved in to stay with her. Ms Tan became more particular and demanding towards them over time, for instance, scolding them repeatedly over small matters, blaming them for not providing enough for her, demanding money from them and forcing them to borrow from relatives so that she could purchase a BTO flat. The daughter declined psychiatric medication "over self-perceived fears of psychological dependence on it".

Tan and his wife did whatever was necessary to pacify her, with Tan even slapping his wife to appease her. The couple had even apologised and bowed before her. Her behaviour led to her parents' immense mental torment such that they even contemplated suicide.

One day, upon coming home from an outing to the doctor, she became abusive. Clenching a fork in her fist, she said she felt like killing her father. Shortly after, he saw her holding a knife in the kitchen. Afraid that she might harm him, Tan took a metal pole from a nearby dismantled drum set and hit her until she fell to the floor. He called the police, before calling his brother and then calling the police a second time to say: "I just killed my daughter. I grab the pole and whack her. I think she die already."

An Institute of Mental Health psychiatrist who examined him four times said that he had a major depressive episode. This substantially impaired his mental responsibility for his acts.

Based on the factors the courts consider during sentencing on page 19, as well as the different types of punishment you have read earlier in this Set, propose the punishment you think is appropriate for each case, giving reasons for your decisions.

Case Study	The Punishment	Reasons for your decision
1. Central Park Five		
2. Negligence during high-element activity		
3. James Bulger		
4. Food delivery driver		
5. Father kills daughter		

Discussion Questions

1. 'Rehabilitation, not punishment, should be the purpose of the justice system.' Discuss. (2017, Q4)
2. To what extent is it possible to make the punishment fit the crime? (2013, Q4)

Inquiry Questions:

Consider the view that people imprisoned for crimes should lose all their rights. (2022)
 'Too much attention is given to criminals; not enough to their victims.' Is this true? (2005)

At the end of this section, students should be able to:

Articulate if criminals lose their rights once they are convicted of their crimes.
 Weigh the rights of criminals against those of their victims.

• Rights of Criminals VS Rights of Victims •

Reading Set 3

Discourse on crime and the justice system in our world today often has a disproportionate emphasis on criminals and their rights. From the causes and mitigating factors of crime (eg. intent, level of culpability) to the purpose of punishment (retributive vs rehabilitative), and from the type of the punishment (eg. imprisonment or death penalty) to how it is carried out (eg. private caning vs public flogging; imprisonment in Norway vs imprisonment in Guantanamo), there is always much attention paid to the treatment and human rights of criminals. While there are good reasons for doing so, such focus does seem to come at the expense of the rights and needs of victims who are often neglected. In this section, we will consider why criminals should have rights as well as look at the increasing emphasis on the rights and needs of the victims.

• The Rights of Criminals •

According to John Locke, an English philosopher (1632-1704), criminals forfeit their claim rights against being deprived of their lives, health, liberty or possessions because there is a natural right to punish criminals. The rights forfeiture theory of punishment contends that criminals forfeit their rights on the account of having infringed on someone else's rights. While this seems logical and justifiable, there have also been many objections to this theory of punishment. Read the following articles and consider what rights criminals have, if any.

Article 6: Why Should Anyone Care About the Human Rights of Prisoners?

By Marco Segna | 19 February 2019 | University College London



In 2017, the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published a report on the state of the United Kingdom's prison system. The report stated that prisons were suffering from severe overcrowding, poor living conditions and a significant escalation in the levels of violence, making prisons unsafe for both prisoners and staff. Problems have continued to trouble the system: last year, HM Chief Inspector of Prisons Peter Clarke issued urgent notifications to the Secretary of State for Justice, regarding concerns over the treatment and conditions for prisoners

within four UK prisons (Nottingham, Exeter, Birmingham and Bedford).

Professor Nick Hardwick, from Royal Holloway, University of London, also painted a stark picture of the UK's prison system. He showed that living conditions for prisoners are in a dire state. In 2017, 21% of prisoners on average reported that they were only allowed out of their cells for less than 2 hours per day. More staggering is that 37% of prisoners from young adult prisons reported to only be allowed out for less than 2 hours per day. Hardwick also shared a series of photos that graphically showed the conditions of some prisoner's cells – the common theme: blood and squalor.

But why should anyone care?

Since John Howard reformed the prison system in the 18th century, prisons have been seen as a place of punishment and reformation rather than merely a place of transition towards trial or execution. As Jeremy Bentham stated, the new conceptualisation of the prison system was to 'grind people honest'.

If the very point of prison is punishment, some may wonder, why should we care? Why should we worry about the conditions and safety of prisoners?

As Hardwick put it: People go to prison as punishment not *for* punishment. They have forfeited their right to liberty as a result of their crimes but they **maintain other fundamental rights** and **should not be subject to any additional cruelties that aggravate the suffering inherent in imprisonment**. We should all care about this, Hardwick argued, because **human rights** are supposed to be **universal** and as such, they are the minimum standards that all humans have a right to. We should not be sacrificing principles because people act or behave in a manner that we do not approve of. As the 2015 Nelson Mandela Rules state, we should care about the human rights of prisoners because it is our obligation to respect their inherent **dignity and value as human beings**.

How can we protect the human rights of prisoners?

Prisoners are particularly vulnerable to abuse. As they are locked up, they cannot escape harm inflicted upon them and their invisibility to the general public can lead to a lack of accountability for perpetrators. In order to protect the human rights of prisoners, Hardwick presented the four pillars of torture prevention.

1. Laws and procedures
2. Complaints and mechanisms
3. Prosecution and accountability of perpetrators
4. Independent preventive visits to places that deprive liberty

In practice, this means that we must improve laws to ensure that the procedures for making complaints are in place and properly managed. Next, it means holding accountable 1) those who treat prisoners in a cruel or inhuman manner and 2) those that do not provide adequate support to prisoners – prisoners rely on their jailors for basic amenities without which their standard of living can become torturous. And most importantly, to protect the rights of prisoners, we must have regular independent visits to prisons. Prisoners often have little confidence in complaint systems, especially if they are managed by the very people that they are complaining about. This, therefore, makes external monitoring essential.

Finally, perhaps one key step to solving the problem within prisons is to restore the voting rights of all prisoners to ensure that politicians are held accountable. In this way, prisoners would have a voice to ensure that their rights are continually upheld. A worthy goal and an argument worth winning, yet one that will require a lot of work – David Cameron, the former Prime Minister, once said that the idea of giving prisoners the vote made him physically sick – we have a long way to go.

Article 7: Even criminals deserve justice - and other reasons why lawyers defend them

By Darren Koh Ngiap Thiam | 29 March 2019 | Channel News Asia

In August last year, Audrey Tay, daughter of the founders of a luxury watch retail chain pleaded guilty for taking drugs and causing a car crash. She was later sentenced to 22 months in jail and fined S\$1,000 for three drug charges and one charge of driving without due care or attention, and was also disqualified from driving for 18 months upon her release. She appealed against that sentence, and her case lawyer, Eugene Thuraisingam, argued for leniency. The high court however, dismissed that appeal on Mar 15.

To many members of the public, the idea of defending a person of such notoriety may seem ridiculous. How could one defend a person like that?

Many readers brought up on a diet of Hong Kong and American legal dramas would have a vague idea of the role of the defence criminal lawyer: they're simply the people "defending the accused".

While the role of the lawyer in court is to present the client's best possible case, that role is subject to the lawyer's duties as an officer of the court and to assist in the administration of justice. In other words, lawyers are there to **help judges reach a fair decision**.

Defence lawyers are not mouthpieces for the accused. They do not just act for that one client, but uphold a sacred duty to **ensure that justice is done** and **due process is carried out**. They have to make sure all available evidence and arguments are put before the judge, and that all such **evidence and arguments are tested through rigorous questioning**.

IT'S A BELIEF, NOT A JOB

So why do criminal lawyers still do it?

I posed the question to a colleague of mine who was involved in a series of criminal trials involving sex crimes – and rather heinous ones at that. It was not easy to get him to say why he chose to practice at the Criminal Bar. I suspect because nobody wanted to sound like a parrot of the Legal Profession Rules – which outline professional conduct. After much probing, he revealed what I guessed all along: it's a calling, he said.

It's not about getting quoted in the media – only a few can astutely navigate the media the way Mr Thuraisingam or the late Subhas Anandan did. It is the inexplicable combination of ideals that says everyone deserves legal representation, including those accused of the most serious of crimes, that inspire defence lawyers.

For it is when no one is willing to stand with you, that you most need a lawyer.

Does the lawyer have to like his client? In the words of my colleague, "No."

It was personally trying for him having to defend an elderly who admitted to taking advantage of minors and performing deplorable acts on them. But as challenging as it was, my colleague knew that as the old man's legal representative, he still had to set out the client's circumstances in mitigation. The administration of justice required it.

What drives most people to apply to law school may be the inexplicable desire to help others, driven by different reasons – just like how it drove my colleague to the profession.

I look at some of the current students at the Singapore University of Social Science where I work and am reminded of what they said in their interviews with us. One mentioned how he noticed lawyers who kept their client updated with all proceedings, and took care in explaining why steps were taken, provided their clients with great comfort.

There are also those who remarked on how poorly friends and relatives were treated by lawyers and believe at making things better.

I suppose I should leave my colleague to have the last word why he does it: "As defence counsels, we are in a privileged position to assist the accused. We are both the **legal advisor** as well as the **listening ear to the accused** during the course of his proceedings."

As we go about our role, there will be times when the accused readily admits to the offence and others who maintain that the incident did not occur or had occurred differently. Either way, we are given the unique opportunity to **give voice to the accused's version of events** and to that end, do our level best that justice is administered.

He added: "Crime may not pay, but lending a helping hand to those involved, the accused included, can **make a real difference to them and their families**. **Providing assistance** where it is needed, is in itself a reward."



Did you know?

The **United Nations Universal Declaration of Human Rights** states:

Article 5

No one shall be put through torture, or any other treatment or punishment that is cruel, or makes him or her feel less than human.

Article 7

You have the right to be treated equally by the law, and to have the same protection under the law as anyone else. Everyone should have protection from being treated in ways that go against this document, and from having anyone cause others to go against the rights in this document.

Article 8

If your rights under the law are violated, you should have the right to fair and skillful judges who will see that justice is done.

Article 10

You have the same right as anyone else to a fair and public hearing by courts that will be open-minded and free to make their own decisions if you are ever accused of breaking the law, or if you have to go to court for some other reason.

Article 11

1) If you are blamed for a crime, you have the right to be thought of as innocent until you are proven guilty, according to the law, in a fair and public trial where you have the basic things you need to defend yourself.

2) No one shall be punished for anything that was not illegal when it happened. Nor can anyone be given a greater punishment than the one that applied when the crime was committed.

• The Rights of Victims •

Article 8: We must do more to help victims of crime

By George Gascón and Cristine Soto DeBerry | 8 May 2022 | Los Angeles Daily News

There are countless people in our community who have experienced serious physical harm. Sometimes, they want a prosecution to occur, and sometimes they don't. Sometimes they want a prosecutor to seek a long sentence, and sometimes, they just want an apology and an admission of wrongdoing. Victims are, after all, not a monolith. But one thing applies to every crime victim: each person has something that they need to heal that goes beyond prosecution.

Some need medical care, some need therapy, some need relocation expenses or help finding a new job they lost while recovering. They have needs that cost money, time and resources.

Unfortunately, most victims are not finding the necessary support that they need in our criminal justice system, as a report issued last week by the Prosecutors Alliance made abundantly clear. That organization, of which we are members, surveyed over 700 crime victims about their needs. Across the board, the authors found that our criminal justice system consistently **fails to connect crime victims with badly needed resources** and instead **leaves them to fend for themselves**.

The results were disappointing although also unsurprising to those of us who have worked in the field for some time.

The needs victims have after experiencing harm are vast. According to the report, 41% of survivors needed emotional support after victimization, and 43% needed an immediate cash infusion to pay for rent, food or other necessities. Others needed medical care, and many needed a job. Very few could access necessary services, however, because they did not have the financial resources. 50% of crime survivors said they did not have money to pay out of pocket for expenses like mental health or relocation.

The criminal justice system, which ostensibly exists in part to help victims, did not provide needed assistance. And as a result, survivors received no treatment.

Our failure to aid people who have been victims of crime is morally reprehensible. For decades, we have declined to invest in proven tools that prevent crime, like blight remediation or hospital-based intervention programmes. For years, Congress restricted federal funding in support of research into gun crime, fearful that someone might show a connection between lax gun control and violence, thereby drawing the ire of the powerful NRA. We have underfunded public schools, health care, and mental health treatment.

If anyone is responsible for rising crime and physical violence, it is our political leaders who created the conditions in which it thrives. It is now our responsibility to help those who suffered because of our negligence. Our failure to fully support crime victims is a total dereliction of duty.

Our decision to ignore people's unmet needs also has **serious implications for public safety**, our first concern as prosecutors. Hurt people tend to hurt people. 57% of gun violence victims, for example, will resort to violence in the future. Much of this criminal activity is retaliatory. If we actually helped those who have experienced harm, they might heal, and we could break the cycle. Without services, those once victimised are also more likely to be so again. Our failure to provide home relocation assistance, for example, leaves people trapped in dangerous domestic violence situations that, with a little support, they could escape. Our complacency is a public safety disaster.

Prosecutors play an important role in supporting victims and connecting them to the services available to them. Unless we tell them, many victims do not even know that community-based resources exist or that there are victims compensation funds in the state that can provide financial support. But for too long, we have failed to adequately connect victims with badly needed resources or even tell survivors about the supports that exist.

We and other reform minded prosecutors are leading the charge to change this culture by connecting victims to a broad range of services. In Los Angeles, we are offering support to all victims of serious crimes, for example, even if the police do not solve their cases or prosecution is otherwise impossible. We currently provide a range of free services to help victims become survivors, including counselling referrals, court escort and orientation, restitution assistance, medical and burial costs.

We also are working to expand the support offered to assist survivors of police violence and victims who may be labelled by the criminal justice system as "uncooperative." This is a major change. We are of course still also prosecuting cases, but unlike some of our predecessors, we realize that is not enough.

Prosecution may fill a temporary need for retribution and justice, but victims deserve so much more.

Even if crime survivors were able to access every resource currently in place, there isn't nearly enough capacity to give them the help they need.

As a result, Prosecutors Alliance members are also pushing the legislature to expand the victims compensation fund so that more people can access it; right now, it is far too limited. We are also advocating for our legislature to devote substantially increased funding to supporting victims through its Victims Compensation Fund. Currently, California spends roughly \$50 billion annually on law enforcement, including prisons and jails. In contrast, we spend just \$100 million to support victims.

This disparity cannot continue if we are going to help people heal and prevent crime.

It is time for elected officials to dramatically shift course and reprioritize our resources. We must listen to crime survivors and give them what they most need to heal. Prosecutors across California must offer more than prison time as a solution for people's pain. It is what victims want, and is certainly no less than they deserve.

Article 9: Victims of sexual crimes and family violence to get more support

By Aqil Haziq Mahmud | 12 Apr 2022 | Channel News Asia

SINGAPORE: Victims of sexual crimes and family violence will get more support with the formation of a new police command overseeing such cases.

The police command, staffed by officers who specialise in investigating cases of sexual crime and family violence, will be set up by next year, announced Law and Home Affairs Minister K Shanmugam on Tuesday (Apr 12).

These officers will also be **trained in victim management skills**, Mr Shanmugam said, delivering the keynote address at the police's inaugural Sexual Assault Awareness Seminar. Police will also strengthen training for all frontline officers who may be the first responders to such cases, he added. The new police command is among several initiatives aimed at improving the way sexual offences are dealt with, covering areas such as investigative processes, training, public awareness of sexual crime investigation and court processes.

The Singapore Police Force (SPF) is also boosting **community partnerships** to strengthen support for victims. For instance, SPF is working on partnering a family violence specialist centre to provide victims with more avenues of help. They can be referred to the Care Corner Project StART (CCPS), which provides support to victims of any form of violence both during and after investigations, said Mr Shanmugam.

Currently, victims may be given emotional support during investigations under the police's Victim Care Cadre programme. However, the programme – manned by volunteers – usually only holds a single listening session for victims rather than the long term throughcare counselling regime provided by CCPS which will “establish immediate safety” for victims and help them rebuild a routine so they can cope with daily life, especially since victims might

experience trauma effects like nightmares, meltdowns and anxiety effects.

Mr Shanmugam also announced that a new charity, SG Her Empowerment Limited (SHE), is being set up this month. SHE will deal with a range of issues affecting women, including **setting up a victim support centre for online and sexual harm**. This includes women who have had their compromising photos shared online without their consent. The victim support centre will feature a website that informs women of their rights, as well as a helpline for victims to call anonymously.

More specifically, SHE aims to **work with tech platforms to simplify the reporting of harmful online content for removal**, and with the Law Society to provide **pro bono legal advice** to victims. This will streamline the reporting process for victims who might be too ashamed or traumatised to reach out to multiple platforms and lawyers for help. It informs victims exactly what evidence each platform needs.

Separately, the police will engage sexual assault victims on a voluntary basis this year, as part of a survey to get feedback on existing processes and victim care measures, as well as to identify areas for improvement.

The police will also launch a **revamped one-stop webpage on sexual assault**. The webpage will provide comprehensive information on the definition of sexual assault, investigation processes, victim care measures and support services for victims. It will feature videos on the police's investigation process.

Article 10: Victims get a bigger role in prosecuting those who wronged them

Jun 15th 2019 | The Economist

Helen Newlove's legal education came quickly. In the weeks after her husband, Garry, was kicked and beaten to death outside their house by a gang of teenagers in 2007, an "endless stream" of police officers and lawyers came to call on her. By the time the case reached court, she had reached a discomfiting conclusion. The prosecutor represented the Crown. Five defence barristers represented the defendants. But, she recalled in a recent speech, "**no one represented me and my daughters**". She shared waiting rooms and a canteen with the defendants' families; her daughters, who witnessed the fatal assault, were told not to show emotion when they gave evidence in case it swayed the jury. "It's very cold, very clinical," she says.

Until the 19th century, victims of crime had three roles in English and Welsh courts: complainant, witness and prosecutor. They were responsible for hiring their own lawyers. Then the police began to pursue offenders themselves. "There was a move away from private vengeance to public prosecution," says Pamela Cox of Essex University. "Victims disappeared from the courtroom, except to be called as witnesses for the state."

The pendulum is beginning to swing back. In the past two decades, successive governments have expanded the role of victims, allowing them to make statements at sentencing about the impact of the crime and handing them more rights to challenge decisions such as parole for prisoners. Last September the government published the first ever "victims strategy", promising a law to enshrine their rights. Many of the reforms have been championed by Lady Newlove, who was given a peerage in 2010 and has held the new post of victims' commissioner for the past seven years. On June 24th she will be succeeded by Vera Baird, a former solicitor-general. "We're putting the victim [at] the table again," Lady Newlove says.

Plenty of the changes in the strategy are uncontroversial. Few could quibble with attempts to ensure that police and prosecutors **inform victims of developments** in their case. In one survey, only a little more than a third of victims felt that had happened. Offering tours of the court before a trial starts and providing separate waiting areas for the defence and prosecution ought to make the process less daunting. Lady Newlove wants **victim-liaison staff from different authorities to share office space, so that traumatised people do not have to keep repeating their stories**.

Other reforms raise more questions. Victims are banned from expressing their views on an appropriate sentence in their personal statements, but some defence briefs worry that judges will nevertheless be swayed by emotional accounts. "Judges are only human," says Sarah Vine, a criminal-law barrister. Some doubt that victims should take part in parole hearings, since they are not qualified to assess how likely a prisoner is to reoffend. There is also a risk in applying the label too loosely. Police have been rebuked for referring to complainants as victims before the accused is tried. It "implicitly presumes guilt on the part of the defendant," says Ms Vine.

Yet **protecting defendants' rights does not require victims to be silent**. Evidence from several jurisdictions that now allow personal statements suggests their introduction did not lead to harsher sentences. But **victims who make a statement are more satisfied with the process than those who do not**, suggesting that paying them more attention will increase the perceived legitimacy of the justice system. "It makes the person human, instead of being a case file," says Lady Newlove. The court must be fair, but it need not be cold.



Rights of Victims vs Rights of Convicts (Source: Naples Daily News)

Team-based learning

Apply the ideas or principles you have read in Reading Set 3 in the case study below. You may wish to do additional research or read up more on the incident or other similar incidents.

The Monica Baey Case Study

On 25 November 2018, a campus security report was made by a young female student, Monica Baey, accusing a fellow schoolmate Nicholas Lim of filming her in the shower.

Baey was taking a shower at her university's hall of residence when she noticed an iPhone being held underneath the door of the shower cubicle. She immediately shouted at the perpetrator who made his escape quickly. Nonetheless, Baey was able to ascertain the perpetrator after going through CCTV footage, discovering that the perpetrator was a friend of hers, Nicholas Lim, who resided in the same hall of residence.

She then decided to lodge a report with campus security.

The Task

You sit on the NUS Board of discipline. Together with the other board members, you will have to decide on the best course of action to be taken that is in the interests of everyone involved in the matter (eg. the victim, the perpetrator, other students, the University, etc).

What should the Board do? Explain the reason for your decision.

Punishment meted out to the perpetrator

- a) Get the perpetrator to apologise to the victim and her family (both in written form and in person).
- b) Suspension for 1 semester and probation for a year. Do not press charges.
- c) Immediate expulsion. Do not press charges.
- d) Immediate expulsion. Refer and defer to the police for further action.
- e) Convene a general meeting (for all NUS students) and have them vote for the punishment they desire.
- f) Others (Pls state: _____)

The Board's decision (and rationale):

Course of action regarding the victim

- a) Organise a meeting between the perpetrator and the victim so that the perpetrator can apologise to the victim. Case closed after the meeting.
- b) Get the victim to directly seek compensation from the perpetrator. It's a personal matter between the 2 parties.
- c) Request for victim's silence on the matter while the University punishes the perpetrator (suspension for 1 semester or expulsion).
- d) Send the victim to see a counsellor and take hands off the matter once the appointment is made.
- e) Get the victim to make a police report and let the police take control (ie, no longer the University's business).
- f) Others (Pls state: _____)

The Board's decision (and rationale):

• Sample Student Essays •

Are harsh punishments ever justified? (TMJCYEE2022Q12)

Is it ever morally right to punish the worst of criminals? In countries with strict laws like Singapore and China, many citizens are influenced by the policies made by their government such as capital punishments and incarceration. They tend to support the view that criminals deserve punishment as criminals have violated the law that everyone has the responsibility to abide to. In older times, when monarchs and autocrats ruled the society, they go by the slogan – “An eye for an eye, a tooth for a tooth”. Thieves had their hands severed, murderers and kidnappers were tortured in ways they treated their victims. Many felt that justice was served because criminals are getting what they deserve and victims are vindicated. However, people have come to realise that it is never right to inflict harm on others despite what they have done. People in the past were simply giving in to their tribal nature which they should have evolved away from. Therefore, harsh punishments should not be justified. Not only does it violate the right of criminals but it also hardens convicts and increases recidivism rates. However, some will think that it can act as a deterrence against criminals and serve as retribution. In this essay, I will explain why harsh punishment should not be justified.

Many critics of the justice system think that harsh punishment is necessary as it can deter criminals. They assume that criminals are rational and consider the cost-benefit analysis of committing a crime. Criminals react to committing crimes as they gain more from their crime which makes it worthwhile to serve jail term. However, harsh punishments will make them realise that committing a crime is not worth it, which successfully prevents potential crime. Moreover, finding out about the rough experiences faced by inmates will scare away those who want to commit petty crimes. In Singapore, capital punishment also known as death penalty is practiced on drug dealers. Drug dealers who sold beyond a certain threshold will be sentenced to death. Even dealers with mental issues were charged with the same harsh punishment. Although such measures are inhumane, it must be acknowledged that such measures have shown success. A study done by the Ministry of Home Affairs (MHA) revealed that majority of drug dealers from overseas (that were caught) smuggled below the threshold to avoid death penalty. This has shown that Singapore's harsh laws against drug dealers have effectively affected the decisions of criminals. Therefore, harsh punishments can act as deterrence.

However, deterrence is under the assumption that criminals are behaving rationally. With most crimes being caused by vices such as alcohol and drugs or overwhelming emotions such as rage, most crimes are committed irrationally. Instead of harsh punishments, rehabilitation will be more effective in helping these criminals, as it directly solves the cause of why they commit the crime. Rehabilitation can help them to overcome addiction to vices and heal their mental health. Meanwhile harsh punishments do little in helping them reflect on their action. In countries like Norway, rehabilitation instead of incarceration is used. They acknowledge that most criminals are also victims and need assistance in reintegrating back to society. A lot of funding is put into therapy and education for criminals to learn essential skills needed in jobs. It has shown success as recidivism rates are as low as 20% in Norway as compared to about 80% in the US where harsh punishments are used. Therefore, harsh punishments are not justified as it will not be a useful deterrence.

Families and friends of victims may argue that harsh punishments vindicate the victim. They feel that the victim will be served justice if the criminal were to be severely punished. It also answers to the social contract theory in which those in a society are bonded to an invisible contract which takes away a portion of their rights. If one were to break the law, it is equivalent to breaking the “contract”, so they are forfeiting their rights to life. This “contract” brings about a peaceful and crime-free society which is essential for a living condition. Therefore, harsh punishments will serve as retribution and is justified.

However, the view above is flawed. The social contract theory is a metaphor about the justice system and there is no proof to signing the contract. The contract also fails to consider exceptions which is a common occurrence in our world. On the other hand, it does not bring justice to the victim as severely punishing the criminal is violating the criminal's rights, which means that another crime is being committed. Therefore, it is morally wrong to use harsh punishments, so it is unjustified.

Harsh punishment increases recidivism rates. This is because physical punishment and being locked up in prison cells will not teach criminals anything. They will either be vengeful about the pain they are receiving or idling in their prison cells. They will have nothing to offer to society when their jail term is over. It must be acknowledged that all criminals get out of jail one day, so heavy punishment is not justified as it can bring harm to the society in the form of vengeful criminals. In the 1970s, America adopted a “Get Tough Approach” where more criminals are incarcerated, and rehabilitation was unpopular. It acts as deterrents for both criminals and onlookers. Crimes committed led to much longer jail terms than before. It has shown little success and put a lot of pressure on government funding. Billions of dollars were spent on incarcerating criminals yearly. However, it has shown little success and recidivism rates even increased by 20%. This is due to ex-convicts being separated from their families

and having no job opportunities, so they have nothing to lose. Therefore, harsh punishments are not justified as it is not helpful to society and also the criminals.

Moreover, harsh punishments harden criminals. Harsh punishments naturally come with criminals being locked in prison cells. These prisons, unfortunately, are known to be a “school” for criminals. There are many notorious criminals and gangs which provide new criminals with connections for crime. They will become more confident in increasing crime. This contradicts the whole point of harsh punishments which aims to make criminals unable to recommit their crime out of fear being punished again. In the US, it is said that criminal earnings increased by USD 11,000 inside of jails. Furthermore, it is known that in most US prisons, there are gang controlling the prison instead of wardens. Therefore, harsh punishments are not helpful and can make criminals commit worse crimes, so it should not be justified

In conclusion, harsh punishments should not be justified. It increases recidivism rates, harden criminals, put a lot of pressure on government spending and is an ineffective deterrent. I believe that instead of harsh punishments, rehabilitation should be used as it helps the society economically and also brings about a safer environment for all.

Timothy Wang Yi Xi 22S101

• Essay Questions on Crime & Punishment •

A level questions

1. Consider the view that people imprisoned for crimes should lose all their rights. (2022)
2. 'Rehabilitation, not punishment, should be the purpose of the justice system.' Discuss. (2017, Q4)
3. To what extent is it possible to make the punishment fit the crime? (2013, Q4)
4. How far can an individual be held responsible for crimes against humanity? (2010, Q2)
5. Should crimes that were committed many years ago simply be forgotten? (2006, Q5)
6. 'Too much attention is given to criminals; not enough to their victims.' Is this true? (2005, Q11)
7. Should the police have unlimited powers when dealing with crime? (2002 – Q7)

P1 questions from college assessments

1. Do you agree that the police have too much power today? (NYJCJ2PE21Q4)
2. Should criminals always be given a second chance? (VJCJ2PE21Q5)
3. 'The death penalty is not justifiable even for the most serious crimes.' Discuss. (ACJCJ2PE20Q7)
4. 'Any punishment that does not aim to rehabilitate the criminal is unjustified.' Discuss. (ASRJCJ2PE19Q10)
5. Does capital punishment still have a place in your society? (SAJCJ2PE18Q5)
6. How effective are prisons in addressing the problem of crime? (VJCJ2PE18Q9)
7. Evaluate the claim that the justice system is fair to all. (YJCJ2PE18Q6)
8. 'The solution to the problem of crime is education.' Discuss. (VJCJ2PE14Q5)
9. How far has modern technology made it difficult to commit a crime in your country? (MJCJ1PE17Q10)
10. Poverty is the main cause of crime. What do you think? (MJCJ1MYE13Q8)
11. How effective are harsh punishments in dealing with crime? (MJCJ1PE13Q10)
12. Can crime ever be eradicated? (MJCJ1MYE12Q3)
13. Is it ever justifiable to break the law? (HCIJ2PE13Q2)