

The crime of torture and other inhuman and cruel treatment

Abstract

This master thesis concerns itself with a concept of torture and other cruel, inhuman or degrading treatment or punishment and how is this concept perceived through the international, regional and last but not least national system of law. Not to mention particular efforts aiming at the eradication of torture and other forms of ill treatment in the context of all the systems of law mentioned above.

At the very beginning I am trying to deal with very specific historical approaches towards the torture and other forms of ill treatment themselves. Through this I am trying to provide for more comprehensive view on the given problematics as well as better understanding of why are torture and other forms of ill treatment still subject to controversy.

Following chapter is dedicated to legal anchoring of the prohibition on torture and other forms of ill treatment, especially within the international and regional system of law including particular attempts to define torture and other cruel, inhuman or degrading treatment throughout these systems mentioned above.

Next chapter concerns itself with the conception of prohibition on torture and other forms of ill treatment as a part of the system of fundamental human rights and freedoms followed by thorough analysis of what stands for an absolute and what for a non-derogable right including evaluation of the prohibition of torture and other forms of ill treatment being part of this system of absolute and non-derogable rights as well.

Another chapter is all about the definition of torture and other cruel, inhuman or degrading treatment taking into account primarily European court of Human rights' case law and last but not least activities of other key decision-making bodies playing a significant role in the field of protection of fundamental human rights and freedoms.

Last chapter discusses the way in which individual requirements of the international and European system of law are reflected and followed by in the Czech legal environment. Furthermore, it concerns itself with the way Czech republic respects its obligations under international and European union law.

Keywords: [criminal offence, torture, cruel, inhuman or degrading treatment and punishment]