

1. Record Nr.	UNINA9910255267003321
Autore	Sánchez-Mejía Astrid Liliana
Titolo	Victims' Rights in Flux: Criminal Justice Reform in Colombia // by Astrid Liliana Sánchez-Mejía
Pubbl/distr/stampa	Cham : , : Springer International Publishing : , : Imprint : Springer, , 2017
ISBN	3-319-59852-X
Edizione	[1st ed. 2017.]
Descrizione fisica	1 online resource (XXVII, 265 p. 42 illus.)
Collana	Ius Gentium: Comparative Perspectives on Law and Justice, , 1534-6781 ; ; 62
Disciplina	347.861
Soggetti	Human rights Criminology Criminal law Social justice Constitutional law Human Rights Human Rights and Crime Criminal Law and Criminal Procedure Law Social Justice, Equality and Human Rights Constitutional Law
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Nota di bibliografia	Includes bibliographical references.
Nota di contenuto	Chapter 1. The Expansion of Rights of Crime Victims in the Context of the 1991 Constitution -- Chapter 2. (Un)protecting Victims' Rights in the Colombian Criminal Justice Reform of the Early 2000s -- Chapter 3. Reactions to the Regulation on Victims of the 2004 CPC: Challenges, Adjustments, and Punitive Counterreforms -- Chapter 4. Assessing the Effects of the 2004 CPC on Victim's Rights Data.
Sommario/riassunto	Contributing to the literature on comparative criminal procedure and Latin American law, this book examines the effects of adversarial criminal justice reforms on victim's rights by specifically analyzing the Colombian criminal justice reform of the early 2000s. This research focuses on the production, interpretation, and implementation of rules and institutions by exploring how different actors have employed the

concept of victims and victims' rights to promote their agendas in the context of criminal justice reforms. It also analyzes how the goals of these agendas have interplayed in practice. By the early 2000s, it seemed that the Colombian criminal justice system was headed towards a process characterized by broader victim participation, primarily because of the doctrine of the Constitutional Court on victims' rights. But in 2002, the Colombian Attorney General promoted a more adversarial criminal justice reform. This book argues that this reform represented a sudden and unpredicted reversal of the Constitutional Court's doctrine on victim participation, even though one of the central justifications for the reform was the need to satisfy human rights standards and adhere to the jurisprudence of the Constitutional Court on victims' rights. In the criminal justice reform of the early 2000s and its subsequent modifications, the promotion of a dichotomous interpretation of the adversarial model—which conceived the criminal process as a competition between prosecution and defense—served to limit victim participation. This study examines how conceptions of victims' rights emerged out of the struggles between different and at times competing agendas. In the Colombian process of reform, victims' rights have been invoked both as a justification for criminal sanctions and as an explanation for crime prevention and restorative justice. After assessing quantitative and qualitative data, this book concludes that punitive approaches to victims' rights have prevailed over restorative justice perspectives. Furthermore, it argues that punitiveness in the criminal justice system has not resulted in more protection for victims. Ultimately, this research reveals that the adversarial criminal justice reform of the early 2000s has not substantially improved the protection of victims' rights in Colombia.

---