Guide to Researching International Human Rights Law

Steven C. Perkins
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I. INTRODUCTION

This pathfinder is intended to serve as an introduction to international human rights law research. It contains the treaties, resolutions, case-law, and articles needed to research this topic. With a few exceptions for bibliographies and research guides, citations will not be made to periodical articles since they can easily be found as explained below.

II. NATURAL LAW AND HUMAN RIGHTS

A. Background

Human rights have been the subject of legal and political thought for many years. Indeed, the foundation of modern law of human rights is the Natural Law theories developed first by the ancient Greeks and Romans and later elaborated by the Christian philosophers of the late Middle Ages and early modern eras.

Another conception of human rights developed out of the evolution of government in England and the American colonies. In England this evolution started with the Magna Carta of 1215 which defined the relationship between the King and his nobles. It has subsequently been applied to relations between the people and all levels of government. In 1689, a Bill of Rights was proclaimed as a condition for the assumption of the English Crown by William of Orange. This further limited the rights of the King vis-a-vis the Parliament and the people. This train of thought was both expanded and attacked by Mills, Hobbs, Locke, and Bentham.

In the American colonies, a political culture concerned with the exercise of individual political rights developed from the peculiar religious and economic circumstances involved in the establishment of each colony and from the effect of distance upon the exercise of direct supervision by England. The tensions within this relationship led to a flowering of

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political debate which reached its fruition with the Declaration of Indepen-
dence, the Constitution of the United States, and the Bill of Rights. While it is true that the rhetoric of these documents was and remains ahead of the actual conditions of life in the United States, they do present an intellectual basis for the development of a consistent legal regime for the attainment of respect for political and social rights. The U.S. system is arguably the most developed legal regime now operating in the world community. It is however, only a domestic regime, one which has re-
mained apart from international law both to its credit and to its 
ednment.

The United States has remained apart from international legal re-
gimes, pursuant to a deliberate policy founded upon the device of senato-
rial "advice and consent" to treaties, the doctrine of "self-executing and non-self-executing treaties or treaty provisions," and the "political ques-
tion" exception invoked by courts as grounds for not deciding cases. One result of these policies has been the reluctance of American attorneys to argue relevant norms of international law in domestic cases. This is un-
fortunate, since the Constitution and the Supreme Court both declare international law to be part of the "law of the land."

In Europe, the concepts of the American Revolution spread to 
France with Thomas Paine's writings: Common Sense and The Rights of Man. The result in France was the Declaration of the Rights and Duties of the Citizen which was the statement of the desires of the people in the French Revolution. The political mechanisms set up at the Congress of Vienna successfully suppressed most revolutionary impulses in Europe during the 19th century. Even so, a number of developments during the 19th century have led directly to the modern regime of international human rights law. These include the creation of the International Red Cross, the promulgation of the Hague Conventions, the evolution of the concept of humanitarian intervention, the abolition of the slave trade and of slavery in the British Empire and the United States, the eradication of serfdom in Russia, and the international protection of religious and eth-
nic minorities.

In 1920, the victors in World War I established the League of Na-
tions. Several organs of the League have continued until today and are part of the international human rights law regime. One is the Interna-
tional Labor Organization. Another is now the United Nations Trustee-
ship Council. The most important descendents of the League, however, are the International Court of Justice and the United Nations Organization.

All of the above developments have led to the present state of affairs where, in contrast to the classical definition of international law as the law of relations between states, there is now an international human rights law for individuals to use against their own and other states.
B. Selected Bibliography

KURT JULIUS LACHMANN, THE RENAISSANCE OF THE INDIVIDUAL (1947). An examination of the demise of Benthamism and the rise of Carlyle and Dicey with the attendant loss of the autonomy of the individual. Mr. Lackman gives his prescription for the return of the prominence of the individual.

J. JOSEF LADOR-LEDERER, INTERNATIONAL GROUP PROTECTION (1968). Mr. Lador-Lederer gives the case for human rights as a Natural Law phenomenon. He examines the rights and duties of persons and institutions addressed by the law.


MOSES MOSKOWITZ, INTERNATIONAL CONCERN WITH HUMAN RIGHTS (1974). This is the author's presentation to the International Community of what he believes is the fundamental basis for the implementation of the rights guaranteed in the U.N. Charter and incorporated in various other international agreements.


III. INTERNATIONAL HUMAN RIGHTS LAW

While all states guarantee their citizens certain civil, political, and social rights, it is international law which guarantees to all people certain universal human rights. As part of the international law regime, human rights law requires a focus for legal research which is different from that employed in municipal legal research. The Statute of the International Court of Justice is instructive in this instance.
A. Statute of the International Court of Justice

Article 38(1) of the Statute of the International Court of Justice defines the sources of international law to be applied by the court to matters before it. They are enumerated as follows:

a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
b. international custom, as evidence of a general practice accepted as law;
c. the general principles of law recognized by civilized nations;
d. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

It is obvious, therefore, that international legal research will focus on identifying conventions or treaties, customary international law, international legislation, case decisions, and monographic and periodical commentary which apply to the situation under consideration.

Four inter-governmental organizations sponsor the present human rights regimes: the United Nations, the Organization of American States, the Council of Europe, and the Organization of African Unity. Guides to the documentation systems for the first three of these follow. All of these international inter-governmental organizations sponsor treaties, conventions, covenants, declarations, and resolutions which may or may not be considered to be one of the first three categories of sources for international law. The human rights organs of these organizations are described below.

The methodology for locating monographic and periodical literature will also be described below. This article will close with a short bibliography of items on a selected list of specific rights.

B. General Research Aids

1. Monographs

The following items are essential for undertaking research in international law:

J. MYRON JACOBSTEIN AND ROY M. MERSKY, FUNDAMENTALS OF LEGAL RESEARCH (1987). Three of its chapters focus on research in international, English, and Canadian law. This book is most useful for research problems involving the United States as it gives the clearest explanation of the method of researching treaties and international agreements to which the United States is a party.

MORRIS L. COHEN ET AL., HOW TO FIND THE LAW (9th ed., 1989). This volume addresses research in international, English and Canadian law and includes a chapter on foreign and comparative law. This is the
book of choice if your research problem has no connection with the U.S. The chapter on foreign and comparative law is particularly useful.

JOHN W. WILLIAMS, GUIDE TO INTERNATIONAL LAW RESEARCH (1990). This entire volume is devoted to international legal research. It is suggested to read the introduction and then parts V and VI: "Practice and Research Aids" and "Reference Sources." The remaining parts can then be consulted as needed. It also contains excellent short discussions of the documentation systems for the United Nations, the European Economic Community, the Organisation of American States, and the U.S. Government Printing Office.

2. Bibliographical Information

CHARLES SZLADITS, A BIBLIOGRAPHY OF FOREIGN AND COMPARATIVE LAW: BOOKS AND ARTICLES IN ENGLISH SINCE 1790 (1955-to present) (an expanded reprint of the section "Foreign Law in English" which appears in each quarterly issue of the AMERICAN JOURNAL OF COMPARATIVE LAW).

DAG HAMMARSKJOLD LIBRARY, CURRENT BIBLIOGRAPHICAL INFORMATION (1971) (lists acquisitions of the U.N. library and indexes articles from 700 journals).

INTERNATIONAL BIBLIOGRAPHY (1983-present) (a periodical index to international organization documents).

SIMONE-MARIE VRABIESCY KLECKNER & BLANKA KUDEJ, INTERNATIONAL LEGAL BIBLIOGRAPHY (1983) (this volume is divided in to two sections: "Public International Law" and "International Trade Law").

NATIONAL LEGAL BIBLIOGRAPHY (1984-present), LAWYER'S MONTHLY CATALOG (1983-present) and the CATALOG OF FOREIGN AND INTERNATIONAL LAW TITLES (1987) (list acquisitions from 25 large law libraries throughout the United States).

PUBLIC INTERNATIONAL LAW (Max Planck Inst. for Comp. Pub. L. and Int'l L. 1975-present) (this semi-annual periodical contains a bibliography of current books and articles).


3. Bibliographies


INTERNATIONAL INSTITUTE OF HUMAN RIGHTS, SELECTED BIBLIOGRAPHY ON THE INTERNATIONAL AND COMPARATIVE LAW OF HUMAN RIGHTS (Shula Marks comp., 1973).


4. Directories


5. Textbooks


6. General

C. Computer Services

1. LEXIS:

LEXIS provides fulltext searching of various legal databases. Included are English and French cases and legislative materials and the cases of the European Court of Justice. This coverage is largely post World-War II.

2. NEXIS:

NEXIS is a general coverage full text service containing several databases of current affairs materials. This database should be used for information on topics which have not yet received coverage in the legal periodicals. Its main strength is coverage of foreign publications and wire services.

3. WESTLAW:

WESTLAW is a legal database containing many of the same materials as LEXIS. It uses a different search algorithm than LEXIS and the same search run on both systems will result in different outcomes. The researcher should use both systems.

4. DIALOG:

DIALOG was originally an internal information service for the Lockheed Aircraft Company. It is available as a separate gateway to several hundred databases or as part of WESTLAW with access to over one hundred databases of interest to the attorney and the academic lawyer. The databases in DIALOG are more academic than those in NEXIS.

5. OCLC:

OCLC is the bibliographic utility used by thousands of libraries throughout the world for cataloguing library materials. OCLC also allows libraries to locate materials by the name of the author or the title of a book. This means that once an item is located, it can be obtained or copied through Inter-Library Loan, if the holding library will loan it. Recently, OCLC has added subject access through the First-Search service.

6. RLIN:

RLIN is another bibliographic utility which competes with OCLC
for library business. However, RLIN has confined its membership to the larger or more specialized research libraries. Although OCLC and RLIN exchange bibliographic records, some items are unique to each database. RLIN also maintains certain specialized databases for member institutions which are not available except through RLIN.

7. On-line Library Catalogs:

With the computerization of library catalogs it is now possible for researchers with modem equipted computers to bypass the fee-based services of RLIN and OCLC's First-Search and access library catalogs and other information services by direct dial or by the use of the INTERNET. INTERNET provides individuals with access to over one hundred university library catalogs from around the world. Many are also accessible by direct dial for the cost of a telephone call. The catalog of the New York Public Library can be reached at 212/391-0808. The CARL system in Colorado can be reached at 303/758-1551. Once connected to CARL, you can obtain access to catalogs in Boston and to the MELVYL catalog of the University of California system. CARL developed the UNCOVER article database which catalogs the contents of over 10,000 world-wide periodical titles. It is available on many of these library catalogs.

D. Treaties and other Agreements on Human Rights

Using the provisions of the Statute of the ICJ, one realizes that there is an easily defined group of documents which set out the modern international law of human rights. The articles below discuss treaty research.

Igor I. Kavass, United States Treaties and International Agreements: Sources of Publication and "Legislative History" Documents, 76 L. LIBR. J. 442 (1983).
1. Universal Declaration of Human Rights


2. International Covenant on Civil and Political Rights

Die Ausübung Staatlicher Gewalt in Ost und West nach Inkrafttreten der UN-Konvention über Zivile und Politische


HET INTERNATIONALE VERDRAG INZAKE BURGERLIJKE EN POLITIEKE RECHTEN EN ZIJN BETEKENIS VOOR NEDERLAND (1987).


KURT MÜNGER, BÜRGERLICHE UND POLITISCHE RECHTE IM WELTPAKT DER VEREINTEN NATIONEN UND IM SCHWEIZERISCHEN RECHT (Zürcher Studien zum Internationalen Recht, Nr.51, 1973).

FRANK C. NEWMAN, NATURAL JUSTICE, DUE PROCESS AND THE NEW INTERNATIONAL COVENANTS ON HUMAN RIGHTS (1967).

RICHARD SZAWLOWSKI, DIE BERICHTE DER OSTEUROPÄISCHEN STAATEN ZUR VERWIRKLICHTUNG DES INTERNATIONALEN PAKTES ÜBER BÜRGERLICHE UND POLITISCHE RECHTE: EINE ANALYSE ANHANG DES POLNISCHEN BEISPIELS (1980).


3. International Covenant on Economic, Social and Cultural Rights

PHILIP ALSTON, MAKING AND BREAKING HUMAN RIGHTS: THE UN’S SPECIALISED AGENCIES AND IMPLEMENTATION OF THE INTERNA-

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TIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (1979).


4. American Declaration of the Rights and Duties of Man


5. American Convention on Human Rights


b. Seminario Regional Referente a la Convencion Americana sobre Derechos Humanos (1979)

La Convención Americana Sobre Derechos Humanos Organizado por la Comisión Interamericana de Derechos Humanos y la Facultad de Derecho (1986).


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COUNCIL OF EUROPE, BIBLIOGRAPHY RELATING TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS (1978).


EHRRHART APPEL, DIE EUROPÄISCHE KONVENTION ZUM SCHUTZE DER MENSCHENRECHTE UND GRUNDFREIHEITEN IN IHRER BEDEUTUNG FÜR DAS DEUTSCHE STRAFRECHT UND STRAFVERFAHRENSRECHT (1961).


MARIO CHIAVARIO, LA CONVENZIONE EUROPEA DEI DIRITTI DELL'UOMO NEL SISTEMA DELLE FONTI NORMATIVE IN MATERUA PENALE (1969).

COLLOQUY ABOUT THE EUROPEAN CONVENTION ON HUMAN RIGHTS IN RELATION TO OTHER INTERNATIONAL INSTRUMENTS FOR THE PROTECTION OF HUMAN RIGHTS (Athens, Greece, 1978).


COUNCIL OF EUROPE, EXPLANATORY REPORTS ON THE SECOND TO FIFTH PROTOCOLS TO THE EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (1971).

COUNCIL OF EUROPE, COMMITTEE OF EXPERTS ON HUMAN RIGHTS, HUMAN RIGHTS: PROBLEMS ARISING FROM THE COEXISTENCE OF THE UNITED NATIONS COVENANTS ON HUMAN RIGHTS AND THE EU-


HEINZ GURADZE, DIE EUROPÄISCHE MENSCHENRECHTSHÖKONVENTION: KONVENTION ZUM SCHUTZE DER MENSCHENRECHTE UND GRUNDRECHTE NEBST ZUSATZPROTOKOLLEN (1968).

ERNST-JURGEN HOEFERMANN, DIE AUSLÄNDISCHE BEHÖRDENBEWERTUNG BEI FREISPRUCH MANGELS BEWEISES UND DIE MENSCHENRECHTSHÖKONVENTION (1966).


7. Helsinki Final Act

The Conference on Security and Cooperation in Europe was convened to end the states of hostility still in effect from World War II. The Final Act of the Conference, popularly known as the Helsinki Accords,
also contained certain human rights provisions which the signatories pledged to implement. In the wake of the Accords, several Helsinki Monitor Groups were created in Eastern Europe. Many people believe that the Helsinki Accords have had a deep effect upon the states of Eastern Europe and should receive some credit for the extraordinary events of the past several years in that area of the world. The Final Act requires periodic follow-up conferences where each state must report its progress in meeting the provisions of the Final Act. Three follow-up meetings have been held: Belgrade (1978), Madrid (1980), and Vienna (1986). The fourth follow-up meeting was held in Helsinki in 1992.

**ESSAYS ON HUMAN RIGHTS IN THE HELSINKI PROCESS** (A. Bloed & Pieter van Dijk eds., 1985).

**GÖTTINGER ARBEITSKREIS, DIE KSZE UND DIE MENSCHENRECHTE: POLIT. U. RECHTL. ÜBERLEGUNGEN ZUR 2. ETAPPE** (Studie zur Deutschlandfrage, Bd. 2; Veröffentlichung - Göttinger Arbeitskreis, Nr. 420, 1977).

**ONDREJ GRIES, SUKASNY IDEOLOGICKY ZAPAS A OTAZKY KULTURY** (1980).

**GRÜNBUCH ZU DEN FOLGEWIRKUNGEN DER KSZE** (Jost Delbrück et al. eds., 1977).


**OTTO LUCHTERHANDT, MENSCHENRECHTSPOLITIK UND KSZE** (1985).


**ERICH WEINGARTNER & MARILYN WEINGARTNER, HUMAN RIGHTS IS MORE THAN HUMAN RIGHTS: A PRIMER FOR CHURCHES ON SECURITY AND COOPERATION IN EUROPE** (1977).


8. **African Charter on Human and Peoples' Rights**

**AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS** (Division of Press and Info., Organization of African Unity General Secretariat, 1982).

**AHMED AIT, HOCINE L'AFRO-FASCISME: LES DROITS DE L'HOMME**

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E. Collections of Documents

Under each of the above documents are subsidiary protocols and treaties which deal with one or more specific rights. As another paper in this Symposium will deal with these, they will not be dealt with here. Various instruments of the International Labor Organization and the Geneva Conventions often included as human rights instruments are also not treated in this paper. International Legal Materials is published 6 times a year by the American Society of International Law. ILM attempts to reprint all of the important documents of use in the area of international law which have come out in the preceding 2 months. It also reprints the U.S. Department of State Bulletin "Treaty" section. Prior to 1961 these materials were published in the American Journal of International Law and in its special publications.

F. International Documents

BASIC DOCUMENTS PERTAINING TO HUMAN RIGHTS IN THE INTER-AMERICAN SYSTEM (General Secretariat, Org. Am. States, 1988).

IAN BROWNlie, BASIC DOCUMENTS ON HUMAN RIGHTS (1971).


COUNCIL OF EUROPE, EUROPEAN CONVENTION ON HUMAN RIGHTS, (1986).

INTERNATIONAL PROTECTION OF HUMAN RIGHTS. (Louis B. Sohn & Thomas Buergenthal comps., 1973).

EUR. CONSULT. ASS., DOCUMENTATION SOURCES IN HUMAN RIGHTS (1990).
IV. Adjudication of Human Rights Issues

At this time there are two regional courts which hear human rights cases: the European Court of Human Rights and the Inter-American Court of Human Rights. The European Commission on Human Rights and the Inter-American Commission on Human Rights also hear complaints. In the European system, decisions can be made by the Council of Ministers. In addition to the official report series, described below in the discussion on the regional organizations, decisions from the European Court of Human Rights and the European Commission on Human Rights are reprinted in the *European Human Rights Reporter*. This publication is also available on LEXIS. Likewise, in addition to the official report series, decisions from the Inter-American Court on Human Rights and the Inter-American Commission on Human Rights are reprinted in *Thomas Buergenthal & Robert Norris, Human Rights: The Inter-American System* (1982) referred to in the section on the Organization of American States.

The African Charter of Human and People's Rights provides for the creation of an African Commission on Human and People's Rights. It has yet to render any decisions. In addition to these human rights courts, the International Court of Justice and the Court of Justice of the European Community also hear cases involving international human rights law. Cases from the ICJ and the ECJ are found on WESTLAW. Decisions issued by the organs of the U.N. are discussed below. Some collections of decisions are listed below.

A. European Commission on Human Rights


FRANCESCO DURANTE, RICORSI INDIVIDUALI AD ORGANI INTERNAZIONALI: CONTRIBUTO ALLA TEORIA DELLA PERSONALITA INTERNAZIONALE DELL'INDIVIDUO (1958).


EUROPEAN COMMISSION OF HUMAN RIGHTS, BRINGING AN APPLICA-


HANS GERHARD GANTER, DIE SPRUCHPRAXIS DER EUROPÄISCHEN KOMMISSION FÜR MENSCHENRECHTE AUF DEM GEBIET DES STRAFVOLLZUGES (1974).


FRANÇOIS MONCONDUIT, LA COMMISSION EUROPÉENNE DES DROITS DE L’HOMME (1965).


FRANK SCHELLENBERG, DAS VERFAHREN VOR DER EUROPÄISCHEN KOMMISSION UND DEM EUROPÄISCHEN GIRCHSHOF FÜR MENSCHENRECHTE (1983).


B. European Court of Human Rights


Council of Europe, Directorate of Human Rights, First Election by the Consultative Assembly of the Members of the European Court of Human Rights (1959).


European Court of Human Rights, Rules of Court (1971).


Frank Schellenberg, Das Verfahren vor der Europäischen Kommission und dem Europäischen Gerichtshof für Men-
schenrechte (Europäische Hochschulschriften, Reihe II, Rechtswissenschaft Bd. 341, 1983).


Jacobo Varela Feijoo, La Protección de los Derechos Humanos: Jurisprudencia de la Comisión y Tribunal Europeo de Derechos del Hombre (1972).

C. Inter-American Commission on Human Rights


D. Inter-American Court of Human Rights


E. United Nations Commission on Human Rights


Virginia A. Pratt, The Influence of Domestic Controversy on


F. United Nations Human Rights Committee


V. INTERNATIONAL ORGANIZATIONS

A. The United Nations

To obtain current U.N. sales catalogues write:
United Nations Publications
Room DC 2-0070
1st Ave. and 40th St.
New York, NY 10017
U.S.A.
(212) 963-1234

or

United Nations Publications
Palais des Nations
CH-1211 Geneva 10
Switzerland
(22) 7346011

Because many items concerning Human Rights are published throughout the U.N. documentation series, it is always necessary to search the official U.N. index series, UNDOC, and the unofficial indexes, for document citations. Two items should always be consulted: The Yearbook on Human Rights, sales No. 1948.XIV.1, published by the Centre of Human Rights; and the Annual Review of United Nations Affairs, published by Oceana Publications. The latter is generally available before the former, but it does not provide the detailed document citations found in the official publication.


The primary index to United Nations documents is the UNDOC, *Current Index: United Nations Documents Index*. The manner of issuance and the descriptive terms used for indexing seem to change every few years. Effective use of the UNDOC only comes from prolonged exposure and examination. A CD-ROM database is available for the most recent years from Readex Microprint Corporation. It is expected that the CD-ROM will replace the UNDOC as the preferred source for finding UN publications.

The following U.N. organs are concerned with Human Rights:
1. The *Secretariat* produces an annual report to the General Assembly which specifically discusses Human Rights. It appears as U.N.GAOR, Supp. No. 1.


2. The *General Assembly* - many reports and suggested resolutions of subsidiary U.N. Human Rights organs are included in the official records of the General Assembly. These are in documentation series GAOR,-.

   a. The *Third Committee* of the General Assembly specifically works with Human Rights questions itself or through various *Working Groups* on specific topics. The reports of the Third Committee and its Working Groups are in document series A/C.3/-.* Its annual report appears as an Annex to the GAOR,- series.

   b. The *Human Rights Committee* is empowered to hear allegations regarding a state's violations of human rights norms brought by other states or by individuals, if the state has accepted the competence of the Committee to do so. The annual report is in the Supplement to the
GAOR,- document series. It issues reports and recommendations in the A/-, the A/C.3/- and the CCPR/- document series. Reports submitted by states under article 40 of the International Covenant on Civil and Political Rights are in the CCPR/C/- document series.

c. The Committee on the Elimination of Racial Discrimination, produces reports and rulings interpreting the International Convention on the Elimination of All Forms of Racial Discrimination, Dec. 21, 1965. Its reports to the General Assembly are in the A/- and AN/C.3/- series. It also publishes in the CERD/- series, with reviews of state reports on the Convention in the CERD/C- document series. The Provisional Rules of Procedure of the Committee on the Elimination of Racial Discrimination are published as a Supplement to the GAOR,- document series.

d. The Special Committee on Apartheid produces documents dealing with South Africa. Its documentation appears in several places: in A/AC/115; as a Supplement to the GAOR; and as an Annex to the GAOR.

e. The United Nations High Commissioner for Refugees, UNHCR, produces various reports which appear in the GAOR, A/-series as well as in the HCR/- document series. It also publishes several periodicals. The annual report is a Supplement to the GAOR. And Further, the Executive Committee report is in the GAOR Supplement series as an addendum. The record of the Executive Committee and meeting records appear in A/AC/96/-. 

f. The United Nations Relief and Works Agency for Palestinian Refugees in the Near East, UNRWA, publishes an annual report in the GAOR as a Supplement with Annex.

3. The Economic and Social Council (ECOSOC) produces documents alone and in consultation with other inter-governmental organizations. Documents produced with other inter-governmental agencies are in the E/- series. The annual report to the U.N. General Assembly appears as Supplement to GAOR. Its own documents are in the U.N. ESCOR, series, in a Supplement.

a. The Commission on Human Rights, of the ECOSOC is an important organ in the U.N. Human Rights system. Its publications are in the E/CN.4/- series. It produces reports, resolutions and decisions. The Commission has supervision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.


ii. 1235 Actions. The Sub-Commission and the Commission also perform the same function in regard to Economic and Social Council Resolution 1235, U.N.ESCOR, 42d Sess., 1479th plen.
CASE W. RES. J. INT'L L. Vol. 24:379


Each year's work of the Sub-Commission is reviewed annually in the Current Developments section of the American Journal of International Law.


c. The Committee on the Elimination of Discrimination Against Women issues reports in the ECSOR series, and in the CEDAW/C/-series.


B. The Council of Europe

The primary Human Rights organization for western Europe is the Council of Europe. The Council controls the European Commission on Human Rights which was set up under the provisions of the European Convention on Human Rights. Here we will discuss the Council of Europe; the European Commission on Human Rights; the Committee of Ministers; the European Convention on Human Rights, and the European Court of Human Rights. While these are treated as separate sources, in practice the Council of Europe appears in all of the titles. For a short article on the human rights regime under the Council see, Ellen

The Council of Europe has an annual sales catalogue which can be obtained from the following addresses:

Council of Europe
67006 Strasbourg
CEDEX (France)
in the USA & Canada:
Manhattan Pub. Co. - Publications Section
80 Brook Street
P.O. Box 650
Croton, NY 10520

Important series to have available are the European Treaty Series, and the following publications of the Parliamentary Assembly: the Official Report of Debates, (1949 to Date); Documents (working papers); Texts adopted by the Parliamentary Assembly; and the Orders of the Day-Minutes of Proceedings.

The Council of Europe publishes Activities of the Council of Europe in the Field of Human Rights in (year), document H (year) #. The Council has also published six brief studies entitled Human Rights File, document DDH (year) #. In addition, it has issued at least four bibliographies: Bibliographie Concernant la Convention Européenne des Droits de l'Homme (1978). The Council also sends periodic reports to the U.N. Commission on Human Rights.

Two of the most valuable publications are the EUROPEAN COMMISSION OF HUMAN RIGHTS, RULES OF PROCEDURE OF THE COMMISSION ON HUMAN RIGHTS and the EUROPEAN COURT OF HUMAN RIGHTS, RULES OF THE COURT (1977).

The following European organs are concerned with Human Rights:
2. The Consultative Assembly through its Legal Affairs Committee is responsible for the drafting of the various conventions and other instruments which define and promote Human Rights under the Council of Europe and the European Convention on Human Rights. Its work is represented by the Collected Edition of the “Travaux Préparatoires” of the European Convention on Human Rights. Six volumes have been published since 1975, with two more planned. These are published by Marti- nus Nijhoff, The Hague, Netherlands.
3. The European Commission on Human Rights publishes the following: Decisions and Reports, in French and English, ISSN 0379-8461, with 50 volumes so far; and Decisions and Reports. Summaries and Indexes Nos. 1-20; Nos. 21-40. The Commission also publishes two valua-
ble series of Press Releases: Human Rights News and Legal News. These are obtainable from the Directorate of Information.

The Commission also issues an annual report on Human Rights in Europe entitled Stock-Taking on the European Convention on Human Rights, document DDH(year)#. This has been issued since 1971. An important document is #67 of the European Treaty Series, the European Agreement relating to persons participating in proceedings of the European Commission and Court of Human Rights (1979). This Agreement allows individuals to actively participate in their case. Previously only the functionaries of the Commission, or the officers of the Court represented the individual complainant.


5. The European Court of Human Rights is the most used international Human Rights court in the world. The publications of the Court are in two series: Series A: Judgments and Decisions; and Series B: Pleadings, Oral Arguments, Documents. These are available from Carl Heymanns Verlag, Gereonstr. 18-32, D-5 Cologne 1, Federal Republic of Germany.


The primary document for the Convention is the Yearbook of the European Convention on Human Rights, issued every year since 1959 except 1961. It can be ordered from Martinus Nijhoff, The Hague, Netherlands. This yearbook contains basic texts and selected documents and decisions of the European Commission, the Committee of Ministers and the European Court of Human Rights.


The most important work on the history of the Convention is the

See also, the references to the Colloquia sponsored by the Council of Europe above.

C. The Organization of American States


A complete collection of OAS documents would consist of runs of A) the OAS Sales Publications; B) the OAS Official Records; and C) the OAS Technical Reports.

The OAS Sales Publications consist of selected documents from all categories of OAS publications and documents. The Sales Catalogue can be obtained from this address:

General Secretariat
Organization of American States
Department of Public Information
Washington, DC 20006

The OAS Official Records series can be ordered on a standing order basis from the above address. It includes the Inter-American Treaty series and the Official Records of the following: the General Assembly; the Meeting of Consultation of Ministers of Foreign Affairs; the Permanent Council; the Inter-American Economic and Social Council; the Inter-American Council for Education, Science and Culture; the Inter-American Juridical Committee; the Inter-American Commission on
Human Rights; the Specialized Conferences; the General Secretariat; and the Specialized Organizations.

To be complete it is necessary to order the series of *Informational and Technical Publications of the General Secretariat of the OAS*.

The Catalog OAS Technical Reports and Documents series can be ordered on microfiche as a standing order. The Sales Catalogue gives a general reference only to these. A separate catalogue is issued, the Catalog de Informes y Documentos Técnicos de la OEA. It is in Spanish only.

Human Rights materials in the OAS come from the General Assembly in the Actas y Documentes; from the Meetings of Consultations of Ministers of Foreign Affairs in the OAS Official Records series OEA Ser.X.12. The most comprehensive guide to the OAS Human Rights mechanisms is Thomas Buergenthal & Robert E. Norris, *Human Rights: The Inter-American System*, (serial 1982). This is a five binder looseleaf service which gives a detailed history of the American Declaration on the Rights and Duties of Man and the American Convention on Human Rights, and traces the evolution of the Inter-American Commission on Human Rights and the case law of the Inter-American Court of Human Rights. Those organs considered as specifically Human Rights oriented are as follows:

1. The *Inter-American Commission on Women* has an active program of research and publication. Its documents appear in the OEA/Ser.L.II series of the OAS official records.
2. The *Inter-American Children's Institute* was established in 1927. It maintains an active publications program with a large series of bibliographies and seminar proceedings.
3. The *Inter-American Indian Institute* publishes several periodicals which are invaluable for Indian studies in the Americas. These are America Indigena, Boletin Indigenista Venezolano, and the Anuario Indigenista. There is a Indice Analitica for all three from 1940-1980 and separate Indice General for each covering the same time period. It has issued a Report on the Activities as OEA/Ser.H/- since 1961. It issues collections of national laws on Indians for the OAS countries.
   For information on its publications and activities write:
   Inter-American Indian Institute/
   Institute Indigenista Interamericano
   Insurgentes Sur No. 1690
   Colonia Florida
   Mexico 20, D.F., Mexico
4. The *Inter-American Commission on Human Rights* has the principal responsibility for promoting and protecting Human Rights in the Americas. It was created in 1960 and was empowered to hear complaints in 1965. The Commission periodically prints a *Handbook of Existing Rules Pertaining to Human Rights* (OEA/Ser.L/V/II.23,
1992] GUIDE TO RESEARCHING INTERNATIONAL HUMAN RIGHTS LAW 409
doc.21., 1979). This contains the text of the Commission’s statute and nearly all the OAS documents and regulations pertaining to Human Rights. It is available from the Department of Public Information. The Commission has issued two report series in the OAS Official Records: 1) Report of the Work Accomplished During Its [#] Session, (OEA Ser.L/V/II. # Doc. #, (19xx); and 2) the Annual Report of the Inter-American Commission on Human Rights to the General Assembly (OEA Ser/P. 19xx). A ten year retrospective collection, entitled Díaz Años de Actividades 1971-1981 (1986), is available as a sales publication. The Commission also issues reports on Human Rights in specific countries. These have generally appeared in the OEA/Ser.L/V/II.#, doc #. They are also available for purchase in the Sales Catalogue. The last item issued by the Commission is the Inter-American Yearbook on Human Rights (1968) available for purchase through the Department of Public Information.

5. The Inter-American Court of Human Rights was established under the terms of the American Convention on Human Rights. It prepares an Annual Report of the Inter-American Court of Human Rights to the General Assembly which is available for purchase separately as well as being part of the Official Records series.


6. The Inter-American Institute of Human Rights is a new organization which specializes in educational activities on human rights and democracy. It publishes several serial titles, Revista de IIDH (1985), Boletín Informativo, and Boletín Documental, as well as a monographic series. It sponsors the Center for Electoral Counseling and Promotion which publishes a series called Cuardenos y Capel.

The Manuel de Cursos, Recopilaciones de Conferencias (1988), contains much material of interest on the IIDH.

D. Organization of African Unity

The Organization of African Unity was established in 1963. Its headquarters are in Addis Ababa, Ethiopia. The African [Banjul] Charter on Human and People's Rights was adopted by the 18th Assembly of the Heads of State and Government of the OAU on June 27, 1981 at Nairobi, Kenya, and went into effect in 1986. It provides for an African Commission on Human and People's Rights. The Commission has established a schedule of two meetings per year in March and October. It publishes an Activity Report [AHG/### (session number) year],
which details the activities of the Commission for the past year. The first report was entitled *Activity Report of the African Commission on Human and Peoples' Rights*, AHG/155 (XXIV) 1988. It reported on the first three sessions of the Commission’s meetings. The Commission has also published *Guidelines for National Periodic Reports* (1986), and *Rules of Procedure of the African Commission* included in *The African Charter on Human and People's Rights* (1981). The Commission has considered national periodic reports from the following states: Tunisia, Rwanda, Libya, Tanzania, Egypt, Togo and Nigeria. The Commission is sponsoring an African Human Rights Review. At least 35 non-governmental organizations have been accorded observer status at the Commission. The President of the Commission is Isaac N’Guema.


**Organization of African Unity, Basic Documents and Resolutions** (1964).


**E. League of Arab States**

VI. Periodicals

Journal articles can be identified in the *Index to Legal Periodicals*, (1908-present), the *Current Law Index* (1980-present), and the *Legal Resource Index and Index to Foreign Legal Periodicals* (1960-present). Although no longer published, *Index to Human Rights Documents* (1960-1976), remains useful.

It is recommended that the researcher make it a habit to read the following periodicals:

- **HUMAN RIGHTS QUARTERLY** (1981-present).
- **REVISTA DE IIDH** (1980-present).
- **HUMAN RIGHTS LAW JOURNAL** (1980-present).
- **NETHERLANDS QUARTERLY OF HUMAN RIGHTS** (1989-present).
- **THE HUMAN RIGHTS INTERNET REPORTER** (1980-present).

A copy of the following resources should be in every human rights collection:


The reader is also referred to the following title:


Because the periodical literature is well indexed, the only articles cited to below will be special periodical issues devoted to human rights subjects and bibliographies.

VII. Human Rights Symposia, Collections, Panels

A. Monographs


B. Articles


VIII. Selected Bibliography on Specific Topics

A. Africa


B. The Americas


HUMAN RIGHTS IN CUBA (1988).


COMMISSION INTER-AMERICANA DERECHOS HUMANOS [INTER-AMERICAN COMMISSION ON HUMAN RIGHTS], MANUAL DE NORMAS VIGENTES EN MATERIA DE DERECHOS HUMANOS (OEA/Ser./L/V/II. 23 (Doc.21) (Spanish) Rev. 11 Junio 1970).


C. Apartheid


APARTHEID, MASS VIOLATION OF HUMAN RIGHTS (Gerhard Brehme & Hans Kramer eds., (1980).

APARTHEID MEDICINE: HEALTH AND HUMAN RIGHTS IN SOUTH AFRICA. (American Association for the Advancement of Science ed. 1990).

ASIAN REGIONAL CONFERENCE FOR ACTION AGAINST APARTHEID, MANILA DECLARATION FOR ACTION AGAINST APARTHEID, May 26, 1982 (1982).


HERCULES BOOYSEN, CONVENTION ON THE CRIME OF APARTHEID, HUMAN RIGHTS AND SELF-DETERMINATION (1978).

DECLARATION ON FUNDAMENTAL PRINCIPLES CONCERNING THE
CONTRIBUTION OF THE MASS MEDIA TO STRENGTHENING PEACE AND INTERNATIONAL UNDERSTANDING, TO THE PROMOTION OF HUMAN RIGHTS, AND TO COUNTERING RACIALISM, APARTHEID AND INCITEMENT TO WAR (1979).


INTERNATIONAL NGO CONFERENCE AGAINST APARTHEID AND COLONIALISM IN AFRICA (1974).


UNITED NATIONS SPECIAL COMMITTEE AGAINST APARTHEID, TWENTY-FIVE YEARS OF COMMITMENT TO THE ELIMINATION OF APARTHEID IN SOUTH AFRICA (1988).


SPECIAL COMMITTEE ON APARTHEID, APARTHEID IN SOUTH AFRICA II, EXTRACTS FROM THE REPORT OF THE SPECIAL COMMITTEE U.N. Sales No. 65.I.12 (1965).

D. Asia

No regional organization exists for Asia which can sponsor a human rights regime. It is hoped that political stability will allow for the development of the institutions necessary to support human rights.


Alice E. Tay, Human Rights for Australia: Survey of Literature and Developments, and a Select and Annotated Bibliography of Recent Literature in Australia and Abroad (1986).


E. Asylum

Ignatius Bau, This Ground is Holy: Church Sanctuary and Central American Refugees (1985).

Ann C. Devaney, Political and Economic Consequences of Long-Term Refugees in Field Asylum Countries: A Case Study (1987).


Reinhard Lohmann, Social Situation and Social Measures Concerning People Seeking Political Asylum or Having Refugee Status in the Member States of the Council of Europe (1982).


C. Neale Ronning, Diplomatic Asylum; Legal Norms and Political Reality in Latin American Relations (1965).


F. Children
Council of Europe, Implementation of the European Convention on Human Rights in Respect of Young Persons and Children Placed in Care or in Institutions Following a Decision of the Administrative or Judicial Authorities (1986).
Inter-American Children's Institute, Inter-American Children's Institute, 50th Anniversary, 1927-1977 (1977).
Rafael Sajon, Desarrollo Legal y Social Sobre Retardo Mental en America Latina (1965).

G. Education


H. Europe


Round Table with European Ombudsmen, *Proceedings of the 2nd Round Table with European Ombudsmen* (1989).


I. Food

ADDEKE H. BOERMA, A RIGHT TO FOOD, A SELECTION FROM SPEECHES (1976).

CHERYL CHRISTENSEN, THE RIGHT TO FOOD: HOW TO GUARANTEE (1978).

FOOD AS A HUMAN RIGHT (Asbjorn Eide et al. eds., 1984).


RIGHT TO ADEQUATE FOOD AS A HUMAN RIGHT (United Nations, 1989).

THE RIGHT TO FOOD (Philip Alston & Katarina K. Tomasevski eds., 1984).

THE RIGHT TO FOOD: GUIDE THROUGH APPLICABLE INTERNATIONAL LAW (Katarina Tomasevski ed., 1987).

J. Genocide

DICHIAZACIONE UNIVERSALE DEI DIRITI DELL’UOMO: CONVENZIONE PER LA PROSCRIZIONE DEL GENOCIDIO (2d ed. 1957).


ALEKSANDER KAELAS, HUMAN RIGHTS AND GENOCIDE IN THE BALTIC STATES (1950).


K. Humanitarian Intervention and State Responsibility

CHITTHARANJAN F. AMERASINGHE, STATE RESPONSIBILITY FOR INJURIES TO ALIENS (1967).
Clyde Eagleton, Responsibility of States in International Law (Kraus Reprint 1970).

Alwyn V. Freeman, The International Responsibility of States for Denial of Justice (Kraus Reprint 1970).

Malbone W. Graham, Humanitarian Intervention in International Law as Related to the Practice of the United States (1920).


L. Human Rights Teaching


Department of the Secretary of State, Ottawa, Promotion of Education and Information in the Field of Human Rights (1982).

UNESCO Regional Office for the Education in Asia and the Pacific, The Role of Social Studies in Education for Peace


DONALD VANDENBERG, HUMAN RIGHTS IN EDUCATION (1983).


M. Indigenous Peoples

JEREMY NARBY, RESOURCE DEVELOPMENT AND INDIGENOUS PEOPLES: A COMPARATIVE BIBLIOGRAPHY (Jeremy Narby & Shelton Davis comps., 1983).


INDIGENOUS PEOPLES AND THE NATION-STATE: "FOURTH WORLD"


STUART McGILL, INDIGENOUS RESOURCE RIGHTS AND MINING COMPANIES IN NORTH AMERICA AND AUSTRALIA (1986).

ALICE MERTENS, SOUTH WEST AFRICA AND ITS INDIGENOUS PEOPLES (1966).

NATIVE POWER: THE QUEST FOR AUTONOMY AND NATIONHOOD OF INDIGENOUS PEOPLES (Jens Brosted et al. eds., 1985).


SEMINAR, SELF DETERMINATION AND INDIGENOUS PEOPLES; SAMI RIGHTS AND NORTHERN PERSPECTIVES (1987).

RODOLFO STAVENHAGEN, DERECHO INDIGENA Y DERECHOS HUMANOS EN AMERICA LATINA (1988).

WORLD COUNCIL OF INDIGENOUS PEOPLES, AL’GOAL’BMUGIID MAILMIRADDI, NUB’BI OAI’VICOAK’KIN [VARLDSRADET FOR URBEFOLKNINGAR, ANDRA GENERALFORSAMLINGEN] [WORLD COUNCIL OF INDIGENOUS PEOPLES, SECOND GENERAL ASSEMBLY]: 24-27, VIII, 1977 (1978).

N. The Individual


EDWARD STANEK, HANDICAPPED PEOPLE IN SOCIETY, THEIR LEGAL


SATISH CHANDRA, INDIVIDUAL'S PETITION IN INTERNATIONAL LAW (1985).


CLARENCE W. JENKS, HUMAN RIGHTS AND INTERNATIONAL LABOUR STANDARDS (1960).

O. Inter-American Institute of Human Rights


P. Minority Rights

Pablo de Azcarate y Florez, League of Nations and National Minorities an Experiment (1972).


Oscar I. Janowsky, Nationalities and National Minorities (1945).

Lucy P. Mair, The Protection of Minorities (1928).


Q. Refugees


Edward Stanek, Minorities, Aliens, and Refugees: A Selected


REINHOLD FRIEDL, ERZIEHUNG UND AUSBILDUNG FUR FLUCHTLINGE IN AFRIKA: MOGLICHKEITEN UND GRENZEN DER AUSBILDUNGSHILFE DES HOCHKOMMISSARIATS FUR FLUCHTLINGE DER VEREINTEN NATIONEN (1987).


GILBURT LOESCHER ET AL., HUMAN RIGHTS, POWER POLITICS, AND

JORGE MONTANO, LA SITUACION DE LOS REFUGIADOS EN EL MUNDO (1985).


UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, DIVISION OF INTERNATIONAL PROTECTION, SYMPOSIUM ON THE PROMOTION, DISSEMINATION AND TEACHING OF FUNDAMENTAL HUMAN RIGHTS OF REFUGEES (1982).


ROGER P. WINTER, HUMAN RIGHTS IN UGANDA: A SEASON OF HOPE FOR ITS REFUGEES AND DISPLACED PERSONS (1986).

YEFIME ZARJEVSKI, A FUTURE PRESERVED: INTERNATIONAL ASSISTANCE TO REFUGEES (Margaret Kooijman trans., 1988).

R. RELIGION


HUMAN RIGHTS IN RELIGIOUS TRADITIONS (Arlene Swidler ed., 1982).
RUDOLF GRULICH, MENSCHENRECHTE UND RELIGIONSFREIHEIT IN JUGOSLAWIEN (1986).


1. Catholicism


PHILIPPE DE LA CHAPELLE, LA DÉCLARATION UNIVERSELLE DES DROITS DE L’HOMME ET LE CATHOLICISME (1967).


RELIGION AND CULTURE IN THE DEVELOPMENT OF HUMAN RIGHTS IN SRI LANKA (Sri Lanka Foundation 1st ed. 1982).


2. Islam

SHAH A. K. M. KHAIROL BASHAR, DEMOCRATIC THEORIES & HUMAN RIGHTS IN ISLAM (196X).


HUMAN RIGHTS IN ISLAM: REPORT OF A SEMINAR HELD IN KUWAIT, DECEMBER 1980 (1982).


‘ABD AL-‘ALIM ‘ABD AL-RAHMAN KHIDR, HAQQ AL-INSAN FI AL-AMN BAYNA AL-NUZUM AL-BASHARIYAH WA-MANHAJ AL-QUR’AN AL-KARIM (al-Tab’ah 1 1986).


SHAUKAT ALI PARVEEN, HUMAN RIGHTS IN ISLAM (1980).


S. Slavery


ANTHONY LESTER AND GEOFFREY BINDMAN, RACE AND LAW (1972).


**T. Torture**


*EXPLANATORY REPORT ON THE EUROPEAN CONVENTION FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNITMENT (1989).*

*HOW TO COMBAT TORTURE: REPORT ON THE INTERNATIONAL COLLOQUIUM ON HOW TO COMBAT TORTURE, GENEVA, 28-29 APRIL 1983* (Francois de Vargas rapporteur, 1984).


**U. The United Nations**


ROGER STENSON CLARK, A UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (1972).


PIETER NICOLAAS DROST, HUMAN RIGHTS AS LEGAL RIGHTS (1951).


BERNHARD GRAEFRATH, MENSCHENRECHTE UND INTERNATIONALE KOOPERATION: 10 JAHRE PRAXIS DES INTERNATIONALEN MENSCHENRECHTSKOMITEES (1988).

ARTHUR NORMAN HOLCOMBE, HUMAN RIGHTS IN THE MODERN WORLD (1948).


V. Women

GEORGINA ASHWORTH, OF VIOLENCE AND VIOLATION: WOMEN AND HUMAN RIGHTS (1986).


YOUGINDRA KHUSHALANI, DIGNITY AND HONOUR OF WOMEN AS BASIC AND FUNDAMENTAL HUMAN RIGHTS (1982).


IX. Conclusion

This paper has dealt with those organs of the United Nations, the Council of Europe, the Conference on Security and Cooperation in Europe, the Organization of American States, and the Organization of African Unity, which are specifically oriented toward Human Rights. Many other organs could have been mentioned, such as the U.N. Trusteeship Council or the European Community. This is not to slight the work of either organization. The work of the Trusteeship Council is extremely important in eliminating colonialism and its vestiges. The Court of Justice of the European Communities is also important in its building of a body of case law, especially in regard to its handling of the European Convention on Human Rights in cases where the Convention is part of national law in the states parties to the case. It is the author's aim that this paper will allow readers to do valid and intelligent research on international human rights law.