

Volume 16 | Issue 3

1984

Book Review

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Recommended Citation

Frederic M. Wilf, *Book Review*, 16 Case W. Res. J. Int'l L. 485 (1984)

Available at: <http://scholarlycommons.law.case.edu/jil/vol16/iss3/6>

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BOOK REVIEW

Guide to International Human Rights Practice. Hurst Hannum, editor. Philadelphia: University of Pennsylvania Press, 1984. Pp. xvi, 310. \$35.

Somewhere in the world tonight, one person will hear the story of another, less fortunate person. The first person may be an attorney, a union leader, or merely a concerned individual. The second person may be a political prisoner, a member of a minority group in his native country, or simply the first person's neighbor, denied a job because of his racial heritage. Whether or not the first person gets emotionally caught up in the injustice done to the second, the first person will need help in undoing the injustice, and that help may not be readily apparent.

The International Human Rights Law Group (IHRLG), an organization which maintains consultive status with the United Nations Economic and Social Council (ECOSOC), realized that a need existed "for a publication which describes all the major human rights procedures in one understandable, comprehensive, and practice-oriented package."¹ The *Guide to International Human Rights Practice* meets the above criteria in an impressive way.

The *Guide* contains fifteen chapters, grouped into four sections: (1) preliminary considerations, (2) international procedures for making human rights complaints, (3) other techniques and forums for protecting rights, and (4) domestic or national remedies. The six appendixes include everything from a checklist for choosing the most appropriate forum to the present-day membership (names and countries) of international commissions. The *Guide* does not, however, include the texts of treaties and instruments. Instead, the IHRLG has published a supplement that includes all of the major and minor instruments for those practitioners who wish to have the treaties in one volume.

Although each chapter is an article written by a different author, the writing style of the *Guide* is consistently clear and concise. The balanced

¹ GUIDE TO INTERNATIONAL HUMAN RIGHTS PRACTICE, at ix (H. Hannum ed. 1984).

view achieved throughout the book is striking. The lay reader is not buried under a mountain of scholarly footnotes, while the trained lawyer is given sufficient useful information to plan and conduct a proper action to remedy a human rights violation. The text is free of rhetoric, yet it delineates the political considerations of the parties involved in the resolution of human rights violations. The credit for maintaining so consistent a balance among the many authors most likely belongs to the editor of the *Guide*, Hurst Hannum, who is the executive director of the Procedural Aspects of International Law Institute.

The first part of the *Guide*, "Preliminary Considerations," consists of three articles. The first, *An Overview of International Human Rights Law* by Richard B. Bilder, traces the historical development of international human rights law from a state's right to ignore any "outside interference" with the manner in which it treated its citizens to the present day treaties and organizations which provide the means to investigate, publicize and adjudicate alleged violations of human or "civil" rights. Bilder then provides a quick overview of the parties, procedures and enforcement problems involved in international law.

In *Strategies for Selecting and Pursuing International Human Rights Matters*, David Weissbrodt details some of the strategy alternatives available, citing specific domestic and international strategies that have worked in the past. *Protection of Human Rights through the United Nations System*, by Theo C. van Boven, lists and contrasts the primary human rights forums in the United Nations and provides advice for choosing the appropriate forum.

The second part of the *Guide*, captioned "International Procedures for Making Human Rights Complaints," consists of six chapters that delve into individual forums and procedures established to handle human rights violations of a specific type or for a specific region.

Individual Complaint Machinery under the United Nations 1503 Procedure and the Optional Protocol to the International Covenant on Civil and Political Rights, by Dinah L. Shelton, explains the procedure established for individual complaints by ECOSOC in Resolution 1503 and the Optional Protocol. Shelton lists the formal and substantive requirements for each procedure, the means of consideration used by the U.N. organs and suggests tactics that may be employed.

Lee Sweptson, in *Human Rights Complaint Procedures of the International Labor Organization*, relates the history of the International Labor Organization (ILO), from its establishment in 1919 as part of the Treaty of Versailles, as background for the ILO's present day role in human rights dispute resolution. The ILO uses four types of complaint procedures—"representations" under article 24 and "complaints" under article 26 of the ILO constitution, in addition to special procedures for freedom of association and discrimination in employment violations. The

two latter procedures may only be invoked for the violations suggested by their names, while the two former procedures may be used to investigate any violation of the 156 ILO conventions.²

The Complaint Procedure of the United Nations Educational, Scientific and Cultural Organization (UNESCO), by Stephen Marks, details the requirements of UNESCO's Decision 104 EX/3.3, which it adopted in 1978 as the successor to two decades of resolutions and procedures, some more successful than others. UNESCO provides both public ("question") and confidential ("case") procedures for investigating and mediating violations, provided the violation fits into one of ten categories of rights recognized expressly or implicitly by UNESCO.

The next three articles refer to procedures applied under regional conventions. *The Individual Petition Procedure of the Inter-American System for the Protection of Human Rights* by Robert E. Norris describes the petition and adjudication procedures used by the Inter-American Commission on Human Rights and the Inter-American Court on Human Rights, which may be invoked against any member of the Organization of American States, whether or not the member has ratified the 1978 American Convention on Human Rights. The Convention covers a broader range of rights than those covered by the Optional Protocol of the International Covenant on Civil and Political Rights, provides a friendly settlement procedure and any decision by the Court is legally binding on a state, although jurisdiction is purely by consent of the states involved.

Kevin Boyle, in *Practice and Procedure on Individual Applications under the European Convention on Human Rights*, lists the procedures that states or individuals may employ to have their complaints heard under the Convention, and if necessary, decided by the European Court of Human Rights. *The African Commission on Human and Peoples' Rights: Prospects and Procedures*, by Richard Gittleman, provides an overview of the latest addition to the human rights arsenal, the African Charter on Human and Peoples' Rights, adopted by the Organization of African Unity (OAU) in 1981. By its provisions, the Charter will not enter into force until three months after a majority of the OAU member states ratify it. The OAU presently numbers fifty states, of which six states had ratified, and eleven had signed, the Charter as of February 1983.³ The Charter, and the Commission it creates, is designed to rely on mediation and conciliation, rather than confrontation. Until the ratification of the Charter, Gittleman suggests the creation of an interim Commission, as well as the application of the Charter by nongovernmental organizations (NGOs) to individual disputes.

² *Id.* at 76, 78-92.

³ *Id.* at 162 n.5.

The third part of the text, "Other Techniques and Forums for Protecting Rights," discusses alternative means for the presentation of human rights violations before the international community.

International Reporting Techniques, by Dana D. Fischer, examines the reporting techniques under the International Convention of the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Convention on the Suppression and Punishment of the Crime of Apartheid. After comparing the relative strengths and weaknesses of reporting systems versus complaint procedures, Fischer discusses strategies that NGOs and individuals may use to advantage.

The role of NGOs in human rights practice is discussed in *Direct Intervention at the U.N.: NGO Participation in the Commission on Human Rights and Its Sub-Commission* by Menno Kamminga and Nigel S. Rodley. The authors discuss the written and unwritten rules that NGOs must follow in order to be effective. A good example of this is the rules concerning written and oral statements by NGOs, which suggest that NGOs not mention a state by name unless asked. In the final analysis, however, the admissibility of a statement may "depend on the attitude of the Chair, the general atmosphere of the meeting, and on the political influence of the country against which the statement is directed," rather than on the actual contents of the statement.⁴

In *Quasi-Legal Standards and Guidelines for Protecting Human Rights of Detained Persons*, Jiri Toman shows the formulation of the U.N. Standard Minimum Rules for the Treatment of Prisoners, the Code of Conduct for Law Enforcement Officials, and how they may be used to fight for the rights of prisoners. Also discussed are two instruments that have not yet been adopted—the Code of Medical Ethics is still in the process of elaboration and the Principles for the Protection of All Persons under Any Form of Detention and Imprisonment is still in the draft stage.

The fourth part of the *Guide* is entitled "Domestic or National Remedies." Richard B. Lillich, in *The Role of Domestic Courts in Enforcing International Human Rights Law*, explores the different techniques of enforcing human rights in domestic courts by using the United States court system as an example. Lillich discusses the effects the U.N. Charter, various treaties and customary international law have had on judicial outcomes under the U.S. Constitution.

In *Domestic and International Protection of Refugees*, David Carliner traces the long history of refugees from Exodus to the end of World

⁴ *Id.* at 196.

War II as a prelude to a discussion of the Convention and Protocol Relating to the Status of Refugees. Carliner also discusses regional conventions and domestic laws, including those of the United States.

The United States is once again used as an example in *Domestic Human Rights Advocacy: Strategies for Influencing Governmental Policy* by Joseph T. Eldridge. Eldridge explores the roles and responsibilities of the various branches of the U.S. system, specifically, the administration, Congress and the communications media, in the prevention and publication of human rights violations.

The few deficiencies of the *Guide to International Human Rights Practice* are natural extensions of the deficiencies in present-day human rights practice. The *Guide* tends to use the United States as an example too much. This presents a type of cultural myopia as many of the countries that are struggling with large-scale human rights violations do not have the money, the individual freedoms, nor the independent judiciary of the United States, all of which have contributed to the better-than-average success in the United States' fight against human rights violations. There may not exist better examples than that of the United States, but the lack of proven strategies employed in nations with different traditions leaves a gap in an otherwise solid presentation.

Another, minor criticism is that the \$35 (U.S.) price of the book may be a little too steep for human rights activists at the grass roots level. There is much to be said for the longevity of a hard-cover *Guide*, but despite the tax deductibility for persons employed in the human rights field, a soft-cover edition priced under \$10 may better serve the purpose of disseminating information to the greatest number of people interested in correcting human rights violations, including those people who may be victims of such violations.

Nevertheless, the *Guide to International Human Rights Practice* is a well-balanced exploration of the existing and proposed processes for the correction of human rights violations. It comes highly recommended.

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