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Review of International Human Rights Textbooks.

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Introductory comments and overview

Recent text books on international human rights reflect the recent growth in the substance and practice of the subject. International human rights law is an academic subject that has become increasingly visible on university curriculums, formerly taught exclusively at postgraduate level, the subject is now often available as an undergraduate module. For legal practitioners also, given that the decisions of international human rights bodies are increasingly considered by courts in their decision-making, it is a growing topic of concern for judges and those involved in implementing human rights standards. Taken as a specialised area of international law, the subject has been the focus of intense interest from domestic and international students, particularly since there has been so many challenges to human rights norms, particularly since 2001.

The subject matter is distinct from human rights modules which most often focus on domestic legal systems and the application of the 1998 Human Rights Act and the further effect of the 1950 European Convention on Human Rights on the UK. International human rights instead examines the effects of United Nations mechanisms on developing substantive norms and monitoring states' compliance through international institutions. Other regional mechanisms are also often studied, for example the work of the Organisation of American States. However the main emphasis has been placed on the United Nations, which amongst all international organisations, holds a special position.

The UN has created and authorised the creation of major bodies and multilateral treaties that are concerned with the promotion and protection of human rights, whose steady development and effectiveness have grown significantly over the last 20 years. The 1948 Universal Declaration of Human Rights and the two 1966 International Covenants set the standard in representing the minimum norms in international human rights. The evolution of monitoring powers of human rights bodies and the development of substantive norms through later treaties and conventions on specific areas of human rights, further indicate the importance of human rights at the centre of the UN system. Given the challenges placed on human rights protections by governments following the events of September 11, 2001, the subject has further been subject to interest and scrutiny across the globe. International human rights is studied in many countries and as a result, the number of books on the subject-matter have been proliferating. The following will examine three of the books in the area, two of which are written by academics based in the UK and one in the US.

International human rights law is a rapidly moving subject – not only, given the profusion of human rights bodies and their decisions on alleged violations of treaty provisions and international norms made through the vehicle of individual communications but also in relation to the changes at institutional level. The UN's former Commission of Human Rights (CHR) held its final session in March 2006 and was succeeded by the controversial and higher-ranking Human Rights Council (HRC), which is a subsidiary organ of the General Assembly. Reform of the United Nations human rights mechanisms has been apace (although it may be argued that some changes had the effect of rolling back progressions) then undergone major changes in the last couple of years, which has also seen the Convention on the Rights of Peoples with Disabilities as the newest human rights convention to come into force. Teaching and writing on the subject matter of human rights has then had to keep pace with all these changes.

There is a wide spectrum of diversity in the depth of the subject matter under review. Some studies have taken largely introductory approaches, whilst others have integrated texts and materials to further understanding. There perhaps needs to be more texts that go beyond the entry-level to the subject and go into more depth – the approach to take a more analytical and the breadth and complexities of the subject develop. However, as each substantive norm increases in detail and complexity in scope, so also basic norm analysis may not be ignored. The approaching new editions of many of the titles explored here, will, it is hoped, bridge the gap. All of the text books do examine the regional systems of protection of human rights such as the African and American ones, which allow for examination

Reviews of three key textbooks

Rehman, J (2003) *International Human Rights Law: A Practical Approach* (new edition forthcoming)

In Rehman, J (2003) *International Human Rights Law: A Practical Approach*, (London: Longman), the emphasis is placed on examining international human rights within the

framework of international law. The sources of international that particularly affect the operation of human rights is examined, particularly the significance of General Assembly Resolutions as forming the basis of so many rights. This is very useful for students who have not studied international law previously, however, a more detailed analysis of international law is required to gain a real understanding of the foundational aspects of the subject. This out of the three books reviewed in this article is the oldest edition, published in 2003. There is a useful analysis of recurrent themes such as universalism and regionalism; interdependence of human rights law; scope of human rights – individual and minority rights and the public/private divide in human rights law. This is the first edition of the book – Professor Rehman’s second edition is soon to be published and will be a very welcome edition to what is currently available. As the author’s specialist areas include that of group rights – non-discrimination, the rights of minorities, indigenous peoples and the rights of women and children - these chapters are particularly. Also, the section on torture as a crime in international law is well considered, with analysis of the scope of the Convention against torture, the monitoring capabilities of the Committee against Torture and the work also of the Special Rapporteur on the subject – the latter particularly has been a neglected subject in academic writing. International terrorism is also considered, given the study was published just after the 2001 bombing of the World Trade Centre, there is much to be updated.

Smith, R (2007) Textbook on International Human Rights (new edition due late December)

Smith, R.K.M, (2007) Textbook on International Human Rights, (London: Oxford University Press), 3rd edition, is a text book takes a very clear and methodical approach to the subject matter, which is helpful in introducing those who are unfamiliar to the area. The book explores in a structured approach the historical background to the subject, the United Nations framework (including the ambit of the Human Rights Council), the regional instruments and the systems of monitoring and implementation in place. The second half of the work explores particular substantive rights such as that relating to equality and non-discrimination, the right to life and freedom from torture and other cruel, inhuman and degrading treatment or punishment, the right to liberty, the right to a fair trial, the right to self-determination, the freedom of expression, the right to work and education, minority rights and also a chapter on the future of human rights. The last chapter makes the valid point that as more states ratify human rights instruments, so the backlog of reports awaiting observations and communications awaiting views has grown and the great need to establish a specific Universal Court for Human Rights. Another useful resource provided by the book is at the end of each chapter, a list of recommended resources for readers to explore – cases, journal articles and books and also websites.

Alston, P., Steiner, H.J. and Goodman, R, (2008) International Human Rights in Context: Law, Politics, Text and Materials

In contrast Alston, P., Steiner, H.J and Goodman, R, (2008) International Human Rights in Context: Law, Politics, Text and Materials, 3rd edition (Oxford: OUP) is a much longer book which takes a largely thematic approach to its study of international human rights. It also, ambitiously, seeks to contextualize the subject within the wider social and cultural

background. It benefits from being the most recently published and so is able to include further consideration of the Human Rights Council and some of the effects of the recent reform agenda concerning of human rights bodies. The collection of resources included in the textbook are broad and well chosen, revolving around conceptions and structures that current international human right mechanisms rest upon. The integration of primary and secondary sources in each section allows readers to consider and challenge assumptions made, and the commentaries provided by the authors aids in this regard. The book is separated into six sections: introductory notions and background to international human rights movement; normative foundations of international human rights (including civil and political rights, economic and social rights, national security, terrorism and limitations on human rights; rights, duties and dilemmas of universalism; international human rights organizations; states as protectors and enforcers of human rights and current topics (including massive human rights tragedies, non-state actors and human rights and human rights, development and climate change). The substantive guarantees examined include a section on the issue of torture, women's rights, protections to be afforded to those in detention, and guarantees of fair trial. The book is greatly strengthened by the incorporation of writers from different legal and inter-disciplinary backgrounds – for example Amartya Sen on the subject of on the indivisibility of civil and political rights with economic and social rights. This approach allows for the analysis and challenge to understandings of primarily western –based evaluations of human rights norms.