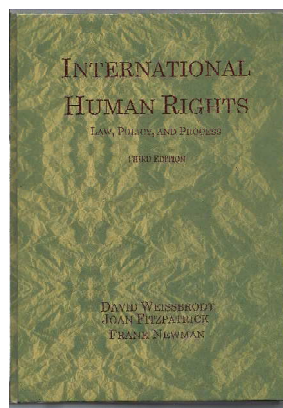


# Book Review

## International Human Rights Law, Policy and Process

Reviewer: Fika Yulialdina Hakim.,SH.,LL.M  
 Number of page: 1150 pages  
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 Author: David Weissbrodt, Joan Fitzpatrick, Frank Newman  
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International human rights law is one of the important legal issues which have enormous development. The process of the first human rights movement was begun in 1945 in the United Nations Charter (hereinafter UN Charter) then continued to 1948 by the Universal Declaration of Human Rights. Afterwards, international law acknowledged treaties, rules and regulations to protect human rights. The authors opined lawyers and others who practice in the area of civil rights and civil liberties need training on how to invoke the broader protections and profit from international insights along with the improved human rights law.

This book provides an introduction to international human rights law, policy and process. This book is the third edition published in year 2001 which reflects significant development of human rights law that have occurred since its first publication in 1990 and its second edition in 1996. This book divides into 17 chapters.

Chapter one begins with the introduction to International Human Rights. In this chapter, the authors explain brief historical introduction starts from the early development of human rights. Moreover, the author also explains the position of human rights in international law. In this chapter, the authors point out to the primary importance of treaties in codifying international human rights law.

Chapter two provides exercise in drafting human rights treaties meanwhile chapter three gives example of human rights treaty-making on child

soldiers. The authors, in chapter three, illustrate evolution of international protection for children in armed conflict.

Chapter four emphasizes on ratification and implementation of treaties. The authors focus on Covenant on Economic, Social and Cultural Rights which complements the Covenant on Civil and Political Rights which is discussed in chapter five. Firstly, the authors examine the nature and content of economic, social and cultural rights and the issue of their justiciability. Afterwards, they describe the implementation of these rights at the international level and the role of the Committee on Economic, Social and Cultural Rights. In addition, they also summarize the process by which States accept treaty obligations and analyze the highly contested question of permissible reservations to human rights treaties.

Once a government has ratified a human rights treaty, it must comply with treaty norms and procedures of implementation. Thus, in Chapter five the authors elaborate on State reporting under International Human Rights treaties. This chapter focuses to the reporting obligations and procedures under the Covenant on Civil and Political Rights. The authors begin with a discussion of the Civil and political Covenant Procedures and then examine it in relation to Iran. This chapter also introduced technique for implementing human rights obligation, where individual complaints against a government.

Chapter six explains UN charter-based mechanism which available for human rights violations. This chapter deals with the UN procedures on handling gross human rights violations throughout the world based on the authority of UN Charter. The author focuses on the work of the UN Commission on Human Rights which derives its original authority from article 68 of the UN Charter and resolutions 1235 and 1503 of Economic and Social Council (ECOSOC). Further, this chapter also deals with thematic procedures which concentrate on violations occurring and take a subject-oriented approach. The author relates the UN procedures to human rights condition in Burma.

Chapter seven, eight and nine look at the ways the UN Security Council and General Assembly have handled human rights cases through humanitarian intervention and humanitarian law; criminal sanctions, civil remedies, and advisory services; and on-site observation.

In chapter seven, the author first examines the role of UN Security

Council and General Assembly in authorizing armed and other collective intervention to protect human rights then looks at regional multilateral and unilateral humanitarian intervention.

National and international measures that can be taken to react to human rights violations is examined within chapter eight. The author presents some issues that confront governments seeking to address violations committed by past governments often after a democratic transition. The options included in this book are include establishing a truth and reconciliation commission to investigate human rights violations, prosecuting individuals accused human rights violations, and administering a system to help redress victims. Then, this chapter proceeds to focus on benefits and disadvantages of establishing an international criminal court to prosecute human rights violators. Lastly in this chapter, the author discusses the growing practice of national courts exercising universal jurisdiction over serious human rights abuses committed in other countries.

Chapter eight focuses on methods of fact-finding by intergovernmental and non-governmental organizations concerning situations in particular countries. Human rights fact-finding includes: long term operations to monitor situations in various countries as well as individual cases when they arise, short-term visit for the purpose of gathering information on a specific event, information gathering without on-site visit and adjudicative proceedings.

Further, chapter ten explains the way of individual governments can influence human rights practices of other countries while gross violations are occurring. How governments have used bilateral relations with other governments to affect human rights. In this chapter, the author focuses particularly on the United States as an example. The most important things, the authors raise issues how a government balance the objective of human rights compared to security and economic interest in developing its foreign policy. In addition, the role of Congress in setting standards for assistance, and also various methods used by members of Congress and other US officials to help promote and protect human rights in other countries.

As UN is not the only international organization which promulgates human rights instrument, the authors in chapter eleven elucidates the Inter-American System and the interpretation and application of human rights

instruments and also other regional mechanism for protecting human rights. The authors explain process brought to Inter-American Commission on Human Rights by individuals. This chapter begins with the introduction to international and U.S law which relates to the petition, and then the authors describe the procedures and functions of the Commission. Afterwards, the authors examine if the American Declaration on the Rights and Duties of Man binds the US and reviews the Commission's previous decision on indigenous rights. The authors ended chapter eleven by the discussion on Inter-American Court of Human Rights.

The authors in chapter twelve describes the system adopted in the European countries. In this chapter they examine the instrument and procedures of the European human rights system and their relevance to the United States. The authors opined the European human rights system is more developed than any other regional human rights systems, has created a more extensive jurisprudence than any other regional system thus gives more protection to individuals than in the US courts.

Chapter thirteen considers the domestic remedies for violations occurring within the United States. The authors in this chapter discuss related issue of how international law may be applied in both federal and state courts to influence the enforcement of international human rights norms in the United States. Thus the authors explain on enforcing domestic compliance with international human rights law. Meanwhile, the author explains United States adjudicative remedies for violations occurring outside the United States in chapter fourteen. The authors explore US jurisdiction in suits by US citizens and aliens against perpetrators of human rights abuse. They raise the issue in the context of a suit filed in California federal court by a young Sudanese woman.

Chapter fifteen examines the use of refugee and asylum law to protect human rights and as jurisprudential sources of human rights law and cultural relativism. There are three solutions for refugees; repatriation to the country of origin, settlement in the country of first asylum, or resettlement in a third country. The authors focus on persons who seek refuge in the United States and discuss applicable law. The problem arisen in this chapter involves Ghanaian woman seeking relief from her own and her daughter's removal from the United States and issues concerning persecution by non-state actors and the treatment of gender-based violence in international law.

The authors introduced new field of human rights law in chapter sixteen that is, international labor law. In this chapter, the authors elaborate the role of the International Labor Organization in protecting labor rights particularly in stopping child labor.

Chapter seventeen particularly focuses on political science and other social science perspective on human rights. Therefore, this book was not only written for law students but also has been used in political science and international relations students. This final section offers a theory of how norms emerge, evolve in the international community and help to prevent violations. The authors also included an analysis of the various actors and mechanisms that characterize that process.



## Principle & Practice of Universal Jurisdiction: PCHR's Work in OPT

<http://english.wafa.ps/?action=detail&id=14016>

Palestinian Centre for Human Rights (PCHR) presented in its new report, "The Principle and Practice of Universal Jurisdiction: PCHR's Work in the occupied Palestinian territory". This detailed and comprehensive work on universal jurisdiction is the first one on this topic in the Arab world.

PCHR released this report in a timely fashion, while the International Forum entitled "Justice: New Challenges - the Right to an Effective Remedy before an Independent Tribunal" organized by FIDH in Yerevan (Armenia) from 6th to 8th April 2010 is in course.

The Director of PCHR, Raji Sourani, is among the list of key personalities and renowned national and international experts invited to participate in the forum. The forum brought together human rights defenders from the 155 FIDH member organizations throughout the world along with judges of the Eu-

ropean Court of Human Rights, the Prosecutor of the International Criminal Court and Nobel Peace Prize Laureates. It is a unique opportunity to present the work on universal jurisdiction PCHR is doing with its international partners since many years.

The 184 page-long PCHR report focuses on the history, theory, and practice of universal jurisdiction; a legal principle which holds that international crimes are of such seriousness that they affect the international community as a whole. As such, national courts – acting as agents of the international community – are granted jurisdiction: they may investigate, try and prosecute those suspected of committing international crimes.

In an attempt to shield suspected war criminals from justice, Israel has consistently proved itself unwilling to conduct genuine investigations and prosecutions. Not once in the 42