

Review

D. Moeckli – S. Shah – S. Sivakumaran (eds.): International Human Rights Law

Veronika Greksza

PhD candidate, University of Pécs, Faculty of Law

*International Human Rights Law*¹ is a well structured comprehensive textbook written by leading experts that proves essential if learning about, working with, or simply being interested in this field of international law.

Thinking about current internationally relevant events in Europe, Asia and Africa, it is not hard to see that international human rights law is one of the most topical segments of international law – if not of law in general. The belief of the international community that free human beings should enjoy freedom from fear and want nowadays faces numerous challenges. The 1st Article of the Universal Declaration of Human Rights says that all human beings are born free and equal in dignity and rights. However, one might think it's more a goal to reach than a status as “*we are not born equal; we become equal as members of a group on the strength of our decision to guarantee ourselves mutually equal rights.*”² The universality of the human rights which constitute the equal moral status is not a given case, the international community has to fight continuously for it. The individuals as part of the international community and subjects of international human rights law thus have the same obligation. Human beings not only have human rights but also the obligation to respect the human rights of others. To make individuals believe in the effectiveness of human rights is one step for reaching the universality of equal moral status in the practice. To believe in their effectiveness, knowledge about human rights and their system of protection is necessary. To support individuals – be they students, practitioners, or simply interested ones – a comprehensive understanding of human rights law is achieved: that is the goal of *International Human Rights Law*.

Comprehensiveness is one of the greatest qualities of *International Human Rights Law*. The substantial part is divided into six chapters. Before the first part one can find three short personal reflections on what human rights are for. As an ‘appetiser’ three different points of view are shown: the point of view of international organisations,³ NGOs,⁴ and that of the national level⁵ on human rights protection. The first part⁶ sets the scene: it starts with the history of the human rights movement, continues with the justifications of human rights and concludes with the description of the six most intense and perceptive

¹ *International Human Rights Law*, second edition, edited by Daniel Moeckli & Sangeeta Shah & Sandesh Sivakumaran, consultant editor: David Harris, Oxford University Press, United Kingdom, 2014. ISBN 978-0-19-965457-4.

² Hannah Arendt, *The Origins of Totalitarianism*, Penquin, 1951, p. 147. Cited by Samantha Besson in D. Moeckli & S. Shah & S. Sivakumaran (eds.), *International Human Rights Law*, Oxford University Press, United Kingdom, 2014. p. 46.

³ Navanethem Pillay – UN High Commissioner for Human Rights.

⁴ Kenneth Roth – Executive Director of Human Rights Watch.

⁵ Hina Jilani – Director of AGHS Legal Aid Center and Advocate of the Supreme Court of Pakistan.

⁶ Part I – Foundations.

critiques on human rights such as the realist, utilitarian, Marxist, particularist, feminist, and post-colonial theoretical perspectives. This last chapter of the first part distinguishes *International Human Rights Law* from other textbooks on this topic, as the ‘other side’, the critical points of view are quite rarely included in such textbooks.

The second part⁷ describes the basics: the sources of international law, the nature of human rights obligations, and the scope of human right applications. This part makes *International Human Rights Law* a great lecture book for university studies, as it gives an overview, a ‘handbook’ for human rights in general, which makes the third part easy to follow.

The third part⁸ presents a general view of diverse human rights. The logical structure of this chapter is also worth mentioning. The introductory part (7 – Categories of rights) describes the several categories of rights such as economic, social, cultural/civil, political rights, individual/collective rights and one-dimensioned/composite rights, core rights and other human rights and the question of ‘new human rights’ (i.e. whether new human rights are emerging). Consequently, the topics of equality and non-discrimination are discussed as these principles are in play regarding each and every human right. Only after these basic topics the book commence with the presentation of particular human rights. This editorial technique definitely serves the aim of ensuring a better understanding.

Getting familiar with the described human rights – rights and freedoms regarding the integrity of person, adequate standard of living, thought, expression, association, assembly, education, work, detention, trial, culture, sexual orientation and gender identity, women’s rights and group rights – the fourth part⁹ treats the three levels of human rights protection, namely the international level (*United Nations*), the regional level (*America, Europe, Africa*) and the national level.

The fifth part¹⁰ places the human rights law into the system of international law and describes the linkages between international human rights law and international humanitarian, criminal and refugee law. The last part¹¹ illustrates the most urgent problems to be solved regarding human rights protection such as terrorism, poverty or environmental degradation.

Giving a comprehensive overview, the reviewed book strikes an appropriate balance between academic profoundness and usefulness for daily practice. It presents all essential details one might need to be up to date in the given topic. One of the most interesting and sometimes also challenging chapters is the chapter entitled ‘Justifications’ and written by Samantha Besson. While discussing questions like: *why justification of human rights is needed, what it means to justify them, what the different justifications for human rights may be, and what some of the implications of the justifications of human rights could be*, the reader gets a very logical positivist explanation of the question of what human rights are from a legal point of view. Even though this chapter or even the whole topic may seem somewhat abstract, this chapter can dissolve the intangibility of the philosophy behind human rights and translates it into the language of law, with explanations such as the following: “*Political equality is indeed the kind of equality that matters in a legal order, accordingly, in the context of human rights law. The passage from equality to political equality corresponds to that from basic moral rights to human rights.*”¹²

⁷ Part II – International Law.

⁸ Part III – Substantive Rights.

⁹ Part IV – Protection.

¹⁰ Part V – Linkages.

¹¹ Part VI – Challenges.

¹² Samantha Besson, *Justification*, in D. Moeckli & S. Shah & S. Sivakumaran (eds.), *International Human Rights Law*, Oxford University Press, United Kingdom, 2014. p. 45.

Well-known experts – academics as well as practitioners – are among the authors, with different regional, theoretical, and professional background.¹³ This was a conscious decision on behalf of the editors as stated in the preface: the diversity of what human rights mean to different people should be reflected. The textbook reached this aim without a doubt and achieved even more: the contributors created an exhaustive, but still basic textbook/handbook which is a must for everybody who would like to get familiar with the never settled, often criticized topic of international human rights law.

¹³ *History* – Ed Bates; *Justifications* – Samantha Besson; *Critiques* – Marie-Bénédicte Dembour; *Sources* – Christine Chinkin; *Nature of Obligations* – Frédéric Mégret; *Scope of Application* – Sarah Joseph & Adam Felcher; *Categories of Rights* – Theo van Boven; *Equality and Non-Discrimination* – Daniel Moeckli; *Integrity of the Person* – Nigel S Rodley; *Adequate Standard of Living* – Asbjørn Eide; *Thought, Expression, Association, and Assembly* – Kevin Boyle & Sangeeta Shah; *Education and Work* – Fons Coomans; *Detention and Trial* – Sangeeta Shah; *Cultural Rights* – Julie Ringelheim; *Sexual Orientation and Gender Identity* – Michael O’Flaherty; *Women’s Rights* – Dianne Otto; *Group Rights* – Robert McCorquodale; *United Nations* – Jane Connors & Markus Schmidt; *The Americas* – Jo Pasqualucci; *Europe* – Steven Greer; *Africa* – Christof Heyns & Magnus Killander; *Within the State* – Andrew Byrnes & Catherine Renshaw; *International Humanitarian Law* – Sandesh Sivakumaran; *International Criminal Law* – Robert Cryer; *International Refugee Law* – Alice Edwards; *Non-State Actors* – Andrew Clapham; *Terrorism* – Martin Scheinin; *Poverty* – Stephen P Marks; *Environmental Degradation* – Malgosia Fitzmaurice.