

**TEXTBOOK ON INTERNATIONAL HUMAN
RIGHTS, RHONA KM SMITH
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ANDREA WILSON*

International human rights is a constantly evolving area which continues to ignite debate. In *Textbook on International Human Rights*, Rhona KM Smith presents a thought provoking and engaging introduction to the complex topic of modern international human rights law. This twenty-three chapter book provides readers new to the area with an accessible guide to key human rights and the mechanisms for their protection, and how human rights organisations and conventions operate in different states. Smith's approach to international human rights encourages a broad understanding of the topic, and her use of current examples, such as terrorism, taser use and the wearing of head scarves for religious reasons make this a topical and stimulating resource.

Following an introductory chapter outlining the structure of the book, Smith's second chapter provides the reader with the background of the general history of international human rights. This serves as a good historical introduction for the reader and provides context for the subsequent chapters which focus on the modern development of international human rights. Smith's approach to this introductory background is mainly historical and does not focus on the origins of the ideas and definitions of human rights from a philosophical perspective, as is done in other texts on international human rights.¹ Some introductory books in the field even dedicate an entire chapter to philosophical origins and definitions, offering an important starting point for a reader new to the complex area. While a philosophical perspective is not necessarily required, a more detailed exploration of these origins and definitions would have made a clearer introduction to important concepts in the book.

The author's chapters are clearly structured to facilitate understanding of the separate issues underpinning each of the topics. Particularly useful are the 'Discussion topics' and 'Examples' interspersed through the book. These

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* Andrea Wilson has completed her BA LLB at the University of Western Australia, Faculty of Law.

1 Michael Haas, *International Human Rights: A Comprehensive Introduction* (Routledge, 2012); Azizir Rahman Chowdhury and Jahid Hossain Bhuiyan, *An Introduction to International Human Rights Law* (Brill, 2010).

are used to provide examples of relevant cases, statistics, and to give more detail on select topics. Smith also uses these discussion topics to highlight the important debates and questions for the reader to consider. The author also demonstrates an awareness of the limitations on space in the book, as at the end of each chapter, she provides a case list and reading list for further research into each of the topics. Smith also takes advantage of the fact that a large proportion of international human rights resources are accessible online, and includes a list of relevant websites at the end of each chapter. All of these features make the book an engaging resource and encourage the development of a broad understanding of international human rights.

In writing a book on the current state of international human rights, the author has made effective use of recent controversies, events and current issues in her discussion as contemporary examples of human rights debates. These relevant examples serve to engage the reader in a critical examination of the implementation of human rights. The issues covered include the interaction between the right to life and the right to freedom from torture in the context of practices for dealing with terrorists. Smith also discusses the recent contentious public debates on head-coverings and the policy approaches taken by countries such as Iran and Turkey.² Smith's arguments help found an awareness of the variety of social, ethical, religious and other factors to be considered in human rights debates, and her discussion of the rise in the use of tasers as a method of control³ acknowledges the balancing act inherent in human rights implementation. As this example demonstrates, while the protection of the community is important, this must also be balanced with the protection of the rights of an individual, highlighting an important point made throughout the book: human rights are often conflicting.

Smith also considers a wide range of recent cases to illustrate how human rights are dealt with and recognised through the court system. Her chapter on the right to life demonstrates the complexities involved in defining the application of a right when there is no consensus on when life begins or ends. She highlights the controversy surrounding judicial decisions in cases such as *Vo v France*,⁴ where a doctor faced court proceedings after performing the abortion of a five month old foetus. Smith points out the ability of the courts to abstain from deciding on the issue of the right to life altogether.⁵

2 Rhona Smith, *Textbook on International Human Rights* (Oxford University Press Inc, 2012) 208.

3 Ibid 243.

4 *Vo v France* (2004) 40 EHRR 12.

5 Smith, above n 2, 221.

As previously pointed out, this book devotes chapters to exploring specific rights such as the right to life, self-determination and education. The right to privacy is also discussed, though not explored deeply in the book. Developments in online forms of communication, email, social networking, electronic storage of information, as well as the use of CCTV and other methods of surveillance have made the right to privacy a troubled issue.⁶ The right to privacy is frequently explored in the media and is met with interest as it affects all members of the public.⁷ While inevitably Smith had to select which rights to delve into within the space constraints of this book, including some more topical rights such as the right to privacy would have improved its capacity to stimulate the reader's understanding and to invite critical thinking.

Smith's approach to systems of human rights protection is satisfyingly realistic, as opposed to overly optimistic. Smith acknowledges the problem of keeping up with modern developments of communication: 'International bodies have yet to rise to meet the challenge of coping with the information technology age and the ease with which information can be disseminated'.⁸ What this book does well is recognise and explore the difference between the intended operation of human rights instruments and how they operate in practice. Smith draws attention to the gap between ratification and enforcement of human rights treaties.⁹ Other international human rights texts also discuss the tendency of treaty adoption to remain merely symbolic rather than leading to effective rights protections.¹⁰ Smith endorses this perspective on human rights instruments citing research that demonstrates that 'ratification may not in fact make any difference in the realization of human rights'.¹¹

Chapter 10 discusses the processes for protecting human rights and explores the problems with the international human rights system. This chapter makes the point found in other human rights texts¹² about the importance of implementing international human rights instruments for them to be effective. Smith argues that if 'an instrument is incorporated into national law, then it stands a much greater chance of being enforced in that State, as the State will explicitly have endorsed its content'.¹³ This argument is also comparable to

6 Murdoch Watney, 'State surveillance of the internet: human rights infringement or e-security mechanism?' (2007) 1 *International Journal of Electronic Security and Digital Forensics* 42.

7 Ibid.

8 Smith, above n 2, 311.

9 Ibid 142.

10 See Haas, above n 1, and Chowdhury and Bhuiyan, above n 1.

11 Natalie Baird, 'To Ratify or Not to Ratify? An Assessment of the Case for Ratification of International Human Rights Treaties in the Pacific' (2011) 12(2) *Melbourne Journal of International Law* 258.

12 Ibid.

13 Smith, above n 2, 177.

recent literature that acknowledges implementation as the important step in protecting human rights.¹⁴

Rhona Smith's *Textbook on International Human Rights* provides broad coverage of international human rights and the systems that have been put in place to realise them. As an introduction to a broad and complex area, this book explores an impressive range of material. At the end of the book, the reader will have a general understanding of the important bodies that regulate human rights and the importance of the rights themselves. For the Australian reader, it is notable that the regional systems explored in detail are limited to Europe, the Americas and Africa. However, the extensive lists of relevant cases, articles and online resources provided at the end of each chapter are excellent for developing a more comprehensive understanding of each of the topics in the book. Smith's perspective on the state of international human rights is realistic and she asks questions that make this book thought provoking as well as informative.

14 Baird, above n 11.