



BOOK REVIEW

Revealing the Other Side of Human Rights Issue: How We Look to the Existed Various Problems

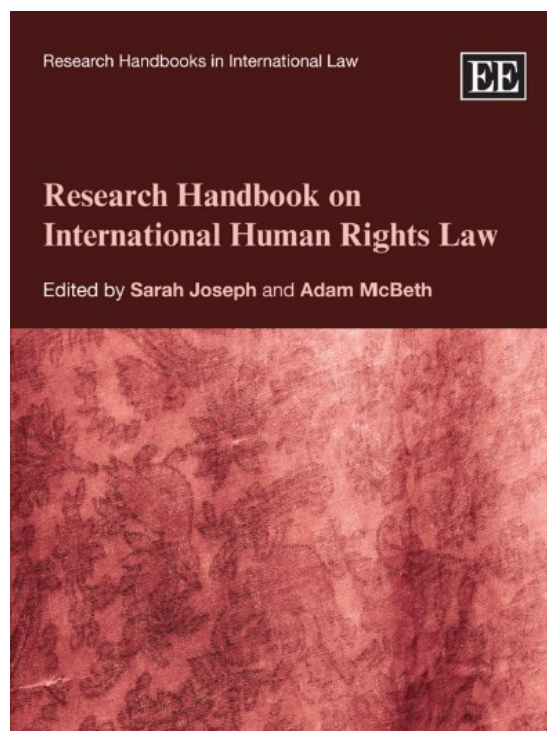
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INTRODUCTION

HUMAN rights in many aspects recognized as a serious issue, and Universal Declaration of Human Rights (UDHR) emphasized that humanity's yearning for respect, tolerance and equality goes a long way back in history, but the curious thing to note is that, although our societies have in many respects made great strides in the technological, political, social and economic fields, contemporary grievances remain very much the same as they were hundreds, even thousands of years ago.¹ For the substance of human rights, the meaning of rights and what kind of rights that should be protected or fulfill were recognized globally or internationally acceptance, in which human rights should be fulfill with applicable laws and regulations.



¹ See Universal Declaration of Human Rights (UDHR)

The concept of human rights, basically belong to the individual in his or her equality as a human being, who cannot deprived of their substance in any circumstances, meaning that these rights are thus intrinsic the human condition. The Universal Declaration of Human Rights (UDHR), and the International Covenant on Economic, Social, and Cultural Rights all give expression to this fundamental ethical basis in their first prolog paragraphs by recognizing “the inherent dignity and...the equal and inalienable rights of all members of the human family”. Here, then, is an expression of the principle of universality of rights, including the right to equal protection before the law and by the law, which, as will be seen in Chapter 13, is a fundamental principle conditioning the entire field of international human rights law.²

The third preambular paragraph of the Universal Declaration of Human Rights states that:

“... it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.”

The statement means that, in order to fulfill the rights of people, they must be effectively protected by domestic legal systems. The principle of the rule of law can thus also be described as an overarching principle in the field of human rights protection because, where it does not exist, respect for human rights become illusory.³ The problem comes from the application of laws and regulations to provide an effective protection for people. How can we measure that protection is has been fulfilled, and how can we ensure that fulfillment was effective implemented?

The Research Handbook on International Human Rights Law, that arranged by some contributors, provides more broader issue and application of human rights protection. This book consists of twenty-one sub-theme that each theme provides some contemporary cases in human rights. Starting with the United Nations Charter development especially in human rights issue, this book ended by highlighted the importance of education as one of ways to develop awareness of people.

Book edited by Sarah Joseph—Professor of Law and Director on Castan Centre for Human Rights Law Monash University Australia—, and Adam McBeth—Senior Lecturer and Deputy Director, Castan Centre for Human

² See International Human Rights Law and the Role of the Legal Professions: A General Introduction, “Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers”, p.4.

³ *Ibid.*, p. 6.

Rights Law, Monash University, Australia—is one of series books from Research Handbook in International Law.

One of interesting part of this book is contemporary cases reproduced in the simple way to understand. This book divided some issues into specific issue for certain explanation. One of, is part on *Global Enforcement of Human Rights*, in which a naming and shaming was become very serious problem for the States.

None of the human rights institutions discussed above are able to make legally binding decisions, unlike, for example, the regional human rights courts. Their powers of 'enforcement' lie in the process of naming and shaming a State that is engaged in human rights abuses. States are named in the public reports of the treaty bodies, and some 'shame' is attached to their adverse findings. States are exposed to more pronounced shame in country resolutions by their peers in the political bodies such as the former CHR (Commission on Human Rights) and the Council, or in reports to those bodies from Special Rapporteurs (p.26 par.2).

No government enjoys being the subject of such shaming processes, and even the most powerful States will lobby to avoid such consequences. For example, China lobbied fiercely (and successfully) for many years to avoid a country resolution against it in the CHR (p.26 par.3).

This book, Research Handbook for International Human Rights, provides some special issue, namely: The United Nations and Human Rights by Sarah Joseph and Joanna Kyriakakis; Economic, Social, and Cultural Rights: An Examination of State Obligations by Manisuli Ssenyonjo; Extra-territoriality: Universal Human Rights without Universal Obligations? By Sigrun I Skogly; Non-State Actors and International Human Rights Law by Robert McCorquodale; NGOs and Human Rights: Channels of Power by Peter J Spiro; Human Rights and Development by Stephen P Marks; Gender and International Human Rights Law: The Intersectionality Agenda by Anastasia Vakulenko; Refugees and Displaced Person: The Refugee Definition and 'Humanitarian' Protection by Susan Kneebone; International Criminal Law by Elies van Sliedregt and Desislava Stoitchkova; The Four Pillars of Transnational Justice: A Gender-Sensitive Analysis by Ronli Sifris; The International Court of Justice and Human Rights by Sandesh Sivakumaran; The Council of Europe and The Protection of Human Rights: A System in

Need of Reform by Virginia Mantouvalou and Panayotis Voyatzis; The Inter-American Human Rights System: Selected Examples of Its Supervisory Work by Diego Rodríguez-Pinzón and Claudia Martín; African Human Rights Law in Theory and Practice by Magnus Killander; The Political Economy and Culture of Human Rights in East Asia by Michael C Davis; Islam and the Realization of Human Rights in the Muslim World by Mashood A Baderin; Religion, Belief and International Human Rights in the Twenty-first Century by Peter Cumper; DRIP Feed: The Slow Reconstruction of Self-Determination for Indigenous Peoples by Melissa Castan; Counter-Terrorism and Human Rights by Alex Conte; and Human Rights Education: A Slogan in Search of a Definition by Paula Gerber.

Although this book was the compilation and editing of a research handbook—which provide the sheer number of different human rights issues arising around the globe—some important topic may be missed in this book, especially for relationship between international and national legal system in human rights protection. As well as, this book also not cover the domestic issue in certain country or community. This book is applicable to use in international human rights research but for domestic or local human rights research, there are many special additional topics and guidelines.

DATA of BOOK

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