

Theory and Practice of the European Convention on Human Rights, by P. Van Dijk and G.J.F. Van Hoof

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Recommended Citation

James J. Busuttil, *Theory and Practice of the European Convention on Human Rights*, by P. Van Dijk and G.J.F. Van Hoof, 9 Md. J. Int'l L. 245 (1985).

Available at: <http://digitalcommons.law.umaryland.edu/mjil/vol9/iss2/10>

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THEORY AND PRACTICE OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS. By P. van Dijk and G.J.F. van Hoof. Deventer, The Netherlands: Kluwer Law and Taxation Publishers, 1984, 512 pp., \$54.00.

This very useful book provides an excellent review of the theory and practice of the European Convention on Human Rights.¹ It is a translation from the Dutch and a better, more fluid translation I have never seen. With nary a linguistic misstep, the authors guide their readers, be they students or practitioners, through the highways and by-ways of the European Convention. While the Dutch version covered cases decided through mid-1982, some later developments have been incorporated into this English translation. There are extensive footnotes, a table of ratifications, a very good, if select, bibliography, separate indices of cited decisions of the Commission, Court and Council of Ministers, and an index of subjects.

The European Convention on Human Rights is one of the oldest modern human rights instruments and the first post-war human rights treaty. It has been ratified by all twenty-one members of the council of Europe. The importance of a thorough understanding of the European Convention lies not just in fully appreciating the standards of human rights which are applicable in Europe, but also to inform any analysis of the International Covenant on Civil and Political Rights² and the American Convention on Human Rights,³ both of which owe so much, in spirit and in language, to the European Convention.

This book is intended to serve both as a textbook for university courses on a variety of subjects and as a guide to lawyers who are called upon to deal with the European Convention in their practice. To those ends, a general survey of the history, structure and functioning of the convention starts off the book. This provides a foundation for the neophyte and introduces the reader gradually into the terminology and often complicated mechanisms of the Convention.

Next follow four chapters which examine specific institutions which play a role in the scheme for the protection of human rights adopted by the European Convention. The authors address the European Commission on Human Rights, the European Convention on Human Rights, the Council of Ministers of the Council of Europe, and the Secretary General of the Council of Europe in the proper order.

1. Sept. 3, 1953, 213 U.N.T.S. 221, E.T.S. 5.

2. March 23, 1966, Annex to G.A. Res. 2200, 21 U.N. GAOR, Supp. 16, U.N. Doc. A/6316 (1966).

3. Jan. 7, 1970, O.A.S. Official Records OEA/Ser. K/XVI/1.1, Doc. 65, Rev. 1, Corr. 1, *reprinted in* 9 I.L.M. 101 (1970).

The bulk of the book is devoted to an analysis of the terms of the convention themselves. The authors deal first with the specific rights and freedoms guaranteed by the European Convention. They examine the development of these rights, their scope and their substance. The book is not limited in its range of analysis: the right to marry and start a family is given as comprehensive a review as the right to life.

While rights of themselves are important, equally as important are the provisions on the enjoyment of those rights and any restrictions on them. The authors examine the articles of the Convention which guarantee that the rights enumerated therein are not merely hollow promises. They also review the articles which allow states to restrict certain rights at certain times or with regard to certain groups.

The book concludes with an appreciation of the European Convention, as to its past, its present and its future. The authors' comments here are enlightening. They provide suggestions for improvement and make some interesting observations about the interplay of the European Convention and the European Communities.

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