

incorporation but instead is really limited – as already indicated by its title – to some aspects of the problem. It largely focusses on the British perspective. Therefore it might be particularly useful for those readers who want to inform themselves about the British practice in the field.

The European Convention on Human Rights was drafted at a time when the issue of minorities seemed to have lost much of the importance it had previously gained after World War I. By now, however, and as demonstrated by recent developments in Eastern Europe, these questions have regained major legal and political importance. Since there is still no legally binding instrument on either the universal or regional level which deals with the protection of minorities, analyzing the ECHR as to whether it can be used as a tool to protect ethnic minorities is rewarding.

The two authors, after having first described the drafting history of the Convention outline the jurisprudence of the Convention organs and consider to what extent it deals with minority issues. In that regard the booklet gives an accurate and up-to-date description of the jurisprudence under the Convention and the guarantees which can be of relevance for members of national minorities (ranging from Articles 8, 9, 10, 11, 14 to Article 3 of the First Additional Protocol). It lacks, however, somewhat of a perspective when describing the current efforts within the Council of Europe to improve the system of the protection of minorities. In particular the authors should have updated the original manuscript when preparing it for translation and should have taken into consideration the Vienna Summit Document of October 1993. Another shortfall might be the fact that the very question what constitutes a minority, which is one of the most important and intrinsic problems as far as the protection of minorities is concerned, is only dealt with on two pages (p. 87-88), which is insufficient to deal with the different aspects of the problem.

On the whole, it might be said, that while the work is quite useful in order to gain a first insight into the relationship between the ECHR and the protection of minorities, it does not cover all various aspects of what is still one of the most challenging political issues in Europe.

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Rebecca J. Cook (ed.), *Human Rights of Women: National and International Perspectives*, Philadelphia: University of Pennsylvania Press (1994) xiv + 634 pages + Appendixes + Index.

In the first of its five parts, this book, originating in an International Consultation on Women's International Human Rights hosted by the International Human Rights Programme of the Faculty of Law, University of Toronto, Canada, 31 August – 2 September 1992, contains report on a consultation of lawyers from different countries of Europe, the Americas, Africa, Asia, and Australia and shows the multiplicity of problems and perspectives linked with efforts to have human rights instruments applied correctly in order to repair the gender based injustice experienced by women.

The second part, entitled 'Challenges', contains five contributions that offer a series of thought provoking observations. First, Radhika Coomaraswamy states that effective implementation of women's rights as human rights fails in South Asia because of the lack of proper implementation instruments and because of ideological obstacles. Major barriers are family and personal law, which vary greatly from the secular state law. More generally, the existing system of human rights, supposed to imply universal application, in fact privileges a masculine world view – the whole system should be redefined and the existing insufficient model of non-discrimination abandoned. As Hilary Charlesworth points out, 'the

international prohibition on sex discrimination promises equality to women who attempt to conform to a male model, and offers little to those who do not'.

Another pattern challenged is that of the public/private dichotomy at the core of public international law, largely influenced by western values. It in fact allows subordination of women, whose sphere of activities is mostly considered as private. This mechanism covers, among others, the lack of state intervention in case of harm caused to women, as the state is expected not to violate privacy. Thus the rights of women are largely left unprotected and the state rightly considered, according to Celina Romany, a party to maintaining patriarchy.

The third part presents international and regional approaches, covering the Islamic world, the Americas, and Africa. Abdullahi Ahmed An-Na'im discusses the promise of the methodology of the Sudanese Muslim reformer Taha for reform of Shari'a religious law. Cecilia Medina questions the inter-American system for the promotion and protection of human rights and analyses the possibilities which this system offers to work on strengthening national law. The protection of the rights of women under the African Charter of Human and Peoples' Rights is the subject of Chaloka Beyani's contribution. Adetoun O. Ilumoka approaches the issues of African women's economic, social, and cultural rights, national constitutions, legislation, and customary or religious laws with special focus on Nigeria.

The international approaches further include contributions by Andrew Byrnes, Rebecca J. Cook, Kenneth Roth and Mona Rishmawi who presents the approaches of the International Commission of Jurists to women's rights.

The fourth part is dedicated to national approaches, focusing on Canada (Anne F. Bayefsky and Kathleen E. Mahoney), India (Kirti Singh) with the problems of personal laws, Sudan (Asma Abdel Halim) with the issues of anti-feminine interpretation of the

Qur'an, and Ghana (Akua Kuenyehia) with the impact of structural adjustment programs on vulnerable groups, e.g. women.

The last part deals with guaranteeing human rights of particular significance to women such as personal laws, equal access to land, reproductive rights of women and violence against women.

The strength of the book lies not only in the extensive coverage of the theme and in its interdisciplinary approach but also in the fact that all the contributions are extremely well documented and the book contains informative appendices.

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Michal Plachta, *Transfer of Prisoners under International Instruments and Domestic Legislation. A Comparative Study* (Contributions and materials from the Max Planck Institute for Foreign and International Criminal Law, Freiburg, Vol. S 39), Freiburg i.Br.: MPI (1993) 565 pages, hardback DM 58.

Of the various instruments available under international criminal law, the repatriation of foreign prisoners so that they may serve out their prison sentence in their home country is probably the most humanitarian. The result of Plachta's extensive research of an overwhelming amount of material is a standard work useful for researchers and practitioners alike – plaidoyer, textbook and work of reference all in one.

In the first chapter Plachta deals with the legal and social problems involved in the execution of sentences of foreign prisoners. The 'foreigner' is often treated as a second-class prisoner, and the purpose of punishment – if it serves at all to enable his resocialization – can be unattainable, or even completely meaningless when the foreigner is imprisoned in an unfamiliar cultural environment. The many and varied manifestations of the problem also make it harder to formulate universally applicable