

# Glossary

## Arbitrary detention

The seizure or holding of a person in custody by means that do not conform to established human rights standards or that is perpetrated in pursuance of orders, legislation or practices that violate those standards.

## Asylum

In international law, normally used to mean the admission of a refugee to a country where he or she is given protection against *refoulement* and allowed to reside for as long as necessary for his or her own safety. See **non-refoulement**.

## Collective rights

Rights that apply to an entire group of people, for example, the right of self-determination.

## Conditionality

The practice whereby governments attach, for example, human rights conditions to the provision of development assistance.

A status conferred by intergovernmental organizations on non-governmental organizations which entitles them to attend or address particular categories of official meetings or to submit information to the intergovernmental body.

In international law, both are formal, legally binding treaties or agreements between sovereign states.

## De facto

Describes a phenomenon, rule or status that occurs or applies in practice regardless of whether it is legally

required or sanctioned. See **de jure**.

## De jure

Describes a phenomenon, rule or status that applies in law. It may not be the case that it is **de facto**.

## Declaration

In international law, a general statement of principles that, while not necessarily legally binding, may be treated with considerable authority.

## Development

Defined in Article 1 of the Declaration on the Right to Development: 'The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.'

A comprehensive Sanskrit term used in various Asian traditions to refer to concepts ranging from the norms of individual and social behaviour and ethical rules through to the cosmic order of the universe. In Buddhism, it also has the meaning of the teachings of the Buddha.

## 'Disappearance'

The taking of a person into custody by or with the approval of the authorities, who then deny that the victim is held. 'Disappeared' people are often at risk of torture or extrajudicial execution. The word is normally placed in inverted commas by human rights organizations to indicate that they do not accept official

explanations that these people have actually disappeared.

## Displaced people

Most commonly used to refer to 'internally displaced persons' – those forced to flee their homes for reasons such as armed conflict, internal strife, human rights abuses or other disasters, and who have sought safety elsewhere in the same country.

## 'Enforced disappearances'

'Enforced and involuntary disappearances' is the term used by the United Nations to refer to 'disappearances'.

## Enforcement mechanisms

Bodies or procedures established to monitor and ensure that agreements or standards are respected in practice.

## Fair trial

Legal proceedings in connection with the trial of a person that conform to the established international standards for proper pre-trial and courtroom treatment.

## Full-belly thesis

The concept that basic economic rights must be given priority in order to ensure that people are first fed, clothed, housed and provided with medical and other care before it is realistic to extend civil and political rights to them. It is also sometimes argued that this view is shared by those who are living in extreme poverty, an approach frequently denounced by leaders of such people.

## Humanitarian law

Principles and rules which govern hostilities, the

treatment of captives and related matters in times of armed conflict. The Geneva Conventions are the most notable.

## Human rights instruments

Intergovernmental agreements containing provisions on the promotion and protection of human rights and fundamental freedoms.

## Indigenous

Native or original to an area, as in 'indigenous culture': often used to refer to the inhabitants of a territory prior to invasion or colonization and to their descendants.

## Indivisibility

The interrelationship between different rights and categories of rights. In practice this is held to mean that respect for civil and political rights cannot be divorced from the enjoyment of economic, social and cultural rights, and that authentic economic and social development requires the political freedom to participate in that process, including the freedom to dissent.

## Intergovernmental organization

An organization of states. Such bodies may be international, such as the United Nations, or regional, such as the Organization of African Unity, or comprised of states that form such an organization for a particular purpose, such as the North Atlantic Treaty Organization.

The sovereign states that comprise the membership of an intergovernmental organization.

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## Negative rights

Those rights which specify abuses from which people should be protected, such as arbitrary arrest or torture.

## Non-governmental organization

An organization that is not comprised of states and not part of any state agency. Commonly known as NGOs, these include professional organizations, independent human rights organizations, special interest groups, and other volunteer and charity organizations.

## Non-refoulement

The principle according to which states are obliged not to return any person to a country where he or she would risk serious human rights violations. It is set out in Article 33 of the 1951 Refugee Convention, but is itself a **norm** of customary international law, binding on all states, whether or not they are party to that Convention.

## Norms

In the human rights framework, the standards and principles that must be respected by those in authority and responsible for the protection of human rights. Usually, these are derived from the body of international and other **human rights instruments**.

## Plenary session

Any session of a meeting or conference which is open to all participants. Normally decisions of a conference are taken in plenary session or under authority delegated by a plenary session.

## Plural society

A society containing within it two or more communities which are distinct in many respects such as their colour, beliefs and cultural practices and which in many areas of social behaviour remain substantially unmixed.

## Pluralism

This term may have several meanings in political thought: institutions for the distribution of political power, the doctrine that such arrangements ought to exist, and the analysis of the distribution of power in society. It is frequently used to denote any situation in which no particular political, ideological, cultural or ethnic group is dominant.

## Political prisoner

This term is used in various ways. In its broadest sense it refers to any prisoner whose case has a significant political element. This may include the motivation of the prisoner in carrying out the specific acts for which he or she has been detained, the nature of those actions in themselves or the motivation of the authorities in taking the person into custody.

## Prisoner of conscience

A person imprisoned for his or her beliefs, ethnic origin, sex, colour or language who has not used or advocated violence. The detention of a prisoner of conscience violates the Universal Declaration of Human Rights.

## Protocol

In international law, a formal, legally binding agreement between sovereign states that is normally a supplement to another treaty or agreement. For example, the Optional Protocol to the International Covenant on Civil and Political Rights.

## Ratification/accession

In international law, a decision by a sovereign state to adhere to a treaty or agreement, such as a Convention or Covenant, and to be legally bound by its provisions.

## Rule of law

The social, political and juridical norm of protecting human rights by law and resolving any disputes that arise with full equality to all parties in accordance with pre-existing laws, known and openly proclaimed, subject to the adjudication of an independent judiciary.

## Safe third country

The concept whereby asylum seekers are denied entry to or asylum in a country because they are expected to seek protection in another (third) country, usually because they have spent time there or travelled through it since fleeing the country of persecution. Many human rights groups place inverted commas around the word 'safe' since they believe this concept can be used to deny asylum seekers a proper hearing, and that such third countries may not provide effective protection against **refoulement**. See **non-refoulement**.

## Self-determination

Defined in Article 1 of the International Covenant on Civil and Political Rights: 'All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.'

## Signature

In international law, the expression by a sovereign state of its intention to refrain from acts that would defeat the object and purpose of a treaty or agreement, and at some future date to ratify or accede to the treaty.

## Special Rapporteur

Fact-finding experts, representatives or other designates appointed by the United Nations Commission on Human Rights to assess

the human rights situation in specific countries or to report on specific themes, such as the practice of torture.

## State Party

In international law, a country whose government has ratified or acceded to a treaty or agreement, such as a Convention or Covenant and is therefore bound to follow its provisions.

## Treaty Body

A committee, commission or other group set up under the mandate of an international treaty, often charged with monitoring the adherence by **States Parties** to provisions of the treaty.

## Universality

The principle in international law whereby rights are held to apply to all human beings without discrimination on any grounds.

## Untouchables/outcasts

A term formerly used to describe all those in Hindu society who do not belong to the four major Hindu castes, now designated in India as Scheduled Castes: those recognized in the constitution as being oppressed.

## Xenophobia

Aversion to individuals or groups thought of as foreign: ranging in intensity from dislike to pathological hatred. Those regarded as foreign may range from the people of an entire continent through to a family of immigrants.