

Glossary

This is a directory of definitions on basic terms and concepts in human rights. It is meant as a point of reference while studying and as a means of checking one's understanding. Words in <brackets> refer to another term in this glossary that could further clarify the concept at hand.

Accountability

Accountability is a mechanism that makes a private or public authority take its responsibilities serious, respond to grievances, provide remedies in case of malfunctioning and accept personal consequences for those responsible for its malfunctioning.

Affirmative Action

Action taken by a government or private institution to make up for past discrimination in education, work, or promotion on the basis of gender, race, ethnic origin, religion, or disability.

Basic (human) standard

A basic human standard recognized by human right X is a certain minimum quality of life manifest in certain situations (like access to food, political participation etc.) that people normally aspire and whose absence would be seen as a form of deprivation. A basic human standard recognized by a human rights is called its <human rights standard>. In lax language a basic human standard is sometimes identified with the human right by which it is recognized. The concepts of <violation> and <deprivation> then get mixed up.

Breach

A failure to meet an obligation is called a breach of the obligation. A breach of an obligation under a human right is called a violation of this human right.

Charter based system

Human rights mechanisms and bodies of the UN that are based on articles of the UN Charter (rather than on international human rights treaties) are called "charter based". Charter-based is for example the <Commission on Human Rights> (established by ECOSOC) or the 1503 procedure.

Civil rights

All human rights that have to do with the proper functioning of the judicial system and the standards of penal systems, like the right to a fair trial or prisoners' rights.

Classes of human rights

The five classes of economic, social, cultural, civil and political rights refer to human rights in different spheres of life (the economic sphere, social sphere, cultural sphere, the judicial sphere, and political sphere). As these spheres are difficult to separate, so is it difficult to clearly allocate all rights in all situations to one specific class (<indivisibility>).

Common sector (programmes)

Programmes under economic human rights that provide guaranteed jobs (for the common good and mostly on the community level) at <minimum wage> for all persons who want to work for the common good.

Compatible ethics

A system of ethics is compatible with human rights, if it contains as moral duties

- a) to pay absolute respect to the basic human standards of other persons
- b) to try to protect and perhaps fulfill the basic human standards of other persons
- b) to use the state or the community of states to provide the legal protection and fulfilment of the basic standards of vulnerable communities and persons.

Different ethics can be compatible with human rights.

Content

(see <normative content>)

Convention

Binding agreement between states; used synonymously with Treaty and Covenant. Conventions are stronger than Declarations because they are legally binding for governments that have signed them. When the UN General

Assembly adopts a convention, it creates international norms and standards. Once a convention is adopted by the UN General Assembly, Member States can then Ratify the convention, promising to uphold it. Governments that violate the standards set forth in a convention can then be censured by the UN.

Convention-based system

A system of UN human rights organs and procedures based on international treaties (like the covenants, conventions etc.). Compare to <charter-based system>.

Covenant

Binding agreement between states; used synonymously with Convention and Treaty. The major international human rights covenants, both passed in 1966, are the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Crime (against human rights)

Any act of a third party destroying the human rights standards of a vulnerable person or community. In general: every act or omission breaching a legislation, which implements human rights, or failing to meet the moral duties arising as a <Drittwirkung> (horizontal effect) from human rights. Crimes against human rights are sometimes just called human rights <violations>. This is a lax use of language as human rights can only be violated by states.

Curative Programmes

Part of the <fulfillment-system> of a human right. Curative programmes provide the respective <human rights standard> to those who are deprived of it. Compare <preventive policies and programmes>.

Declaration

Document stating agreed upon standards but which is not legally binding. UN conferences, like the 1993 UN Conference on Human Rights in Vienna and the 1995 World Conference for Women in Beijing, usually produce two sets of declarations: one written by government representatives and one by Nongovernmental Organizations (NGOs). The UN General Assembly often issues influential but legally Nonbinding declarations.

Deprivation

A person is in a state of deprivation under a certain human right, if the related <basic human standard> is not attained. Example: A person deprived of food suffers deprivation under the right to food. If the deprivation is due to a breach of states' obligations under this right (and not beyond the control and resources of states), then this breach is a violation of human rights. Sometimes in lax language deprivation (a quality of life) and violation (an act or omission of a state) are simply identified.

Deprived person

A deprived person is a person living in deprivation. In lax language we sometimes hear something like "The person is deprived of her human right to food.". Strictly speaking, this is impossible as human rights can be violated but cannot be taken away. The correct expression would be to say that the person is deprived of her basic standard - or concretely: The person is deprived of food.

Discrimination

In the human rights context discrimination would be any act by a state authority that gives persons a disadvantage in the protection or fulfillment of their basic standard - on the basis of race, creed, gender, nationality, or social origin. Human rights have to observe the principle of <non-discrimination>.

Domestic obligations

Obligations that states have vis-a-vis persons on their own territory (cf. <international obligations>).

Drittwirkung (German: Impact on third parties)

The obligations undertaken by a state have an effect on third parties. This is most obvious for the protection-bound obligations which ask the state to prevent third parties from destroying the basic standard of vulnerable persons or communities. Or for the fulfillment-bound obligations which introduce certain programming and financing requirements that could involve third parties. Normally third parties are bound by legislature implementing such state obligations. "Drittwirkung" means that even in the absence of such legislature, the fact that the state or the international community of states has undertaken such obligations introduces a very strong moral duty on third parties (like Transnational Corporations) to respect the basic human standards and to cooperate in the protection and fulfillment of these standards. Failures to meet such duties by third parties can be called "crimes against human rights". In lax language such acts are often also called "violations of human

rights". Strictly speaking, this is not correct as violations refer to states as they are the only entities that carry direct legal obligations under human rights.

Economic and Social Council (ECOSOC)

A UN council of 54 members primarily concerned with population, economic development, human rights, and criminal justice. This high-ranking body receives and issues human rights reports in a variety of circumstances

Economic Rights

Human rights that deal with the economic sphere, in particular the right to work, and the rights at work including labour rights.

Economic Security Policies

Policy measures that regulate the market economy in order to secure or provide possibilities for economic participation to everybody seeking such participation. Together with the <fulfillment system> economic security policies fully implement the obligation-to-fulfill under economic human rights.

Employment (Guarantee) Programmes

Programmes that offer work of public interest to all persons seeking such work, see <common sector programmes>.

Enforcement

Enforcement of a human right is the state's act of meeting its generic obligation under this right. In <obligations-to-protect> or <obligations-to-fulfill> such acts may require the use of coercive measures by the state (like police force).

Enforcement of human rights law means that states enforce laws, rules and regulations, which <implement> the respective human right.

Freedom

In human rights, freedom is the absence of <oppression>.

Full realization of a human right X

This is the result of the process of <realization> undertaken by the vulnerable persons or communities or their support groups on the basis of a far-reaching <implementation> of the right, which allows the basic standard to be attained in this process.

Fulfillment System

A fulfillment system under the human rights X is a system of legislation, orders, programmes and procedures which meets the obligation-to-fulfill under the right X for everybody. The fulfillment system under the right to food for example includes <preventive policies and programmes>, <common sector programs>.

Generic obligation (under a human right)

The generic obligation is a general description of the duty undertaken by a state upon recognition of a human right: States have to respect, protect and fulfill the basic human standard recognized by this right (its <human rights standard>). A human right and its generic obligation are equivalents. The generic obligation together with the definition of the respective basic human standard are the <normative content> of a human rights.

Human rights

A human right is a relationship between (vulnerable) individuals or communities and states resp. the community of states. Human rights exist before they are recognized by states. The basic nature of this relationship is to protect people from <oppression> by third parties and by the states themselves. A human right is a source of the generic states obligation to respect, protect and fulfill the related basic human status.

A human right must not be seen as a vague "legitimate need", but as the source of clear states obligations.

Human rights standard

This is an alternative term for the <basic human standard> recognized by a human right. In lax language the term human right is sometimes used for human rights standard.

Identity

One of the fundamental principles in basic human standards, as cultural identity, religious identity, national identity etc.

Implementation

The implementation of a human right X is the process of creating tools (implements) for vulnerable people under human right X to make the state or community of states meet their obligations under human right X.
(see <realization>, <enforcement>)

Indivisibility

The indivisibility of human rights describes the fact that human rights from different <classes> (and even within classes) cannot be separated from one another: If one right X is threatened, so is right Y (and vice versa). Indivisibility of human rights arises from the indivisibility of classes and the indivisibility of fundamental principles like security, identity and participation. Indivisibility and <interdependence> also describe that different human rights are in principle of equal importance.

Interdependence

Interdependence of human rights describes the fact that the implementation and realization of various human rights depend upon each other (like right to political participation and right to education etc.); closely linked to <indivisibility>.

Intergovernmental organizations

International organizations run by the community of states or a group of states.

International Bill of Human Rights

The combination of the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and its optional Protocol, and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

International Covenant on Civil and Political Rights (ICCPR)

Adopted in 1966, and entered into force in 1976. The ICCPR declares that all people have a broad range of civil and political rights. One of the components of the International Bill of Human Rights.

International Obligations

Obligations of a state towards persons outside its own jurisdiction.

Minimum wage

A wage level which will provide (under the normal working week) a decent standard of living. An employment relation that ignores minimum wages does not fulfill the human rights norms of work.

Moral Rights

Rights that are based on general principles of fairness and justice; they are often but not always based on religious beliefs. People sometimes feel they have a moral right even when they do not have a legal right. For example, during the civil rights movement in the USA, protesters demonstrated against laws forbidding Blacks and Whites to attend the same schools on grounds that these laws violated their moral rights.

Natural Rights

Rights that belong to people simply because they are human beings.

Non-discrimination

A human rights principle establishing that states must not - in meeting their obligations - distinguish between persons according to specific properties that have no relevance for the basic human standard in question.
<discrimination>.

Nongovernmental Organizations (NGOs)

Organizations formed by people outside of government. NGOs monitor the proceedings of human rights bodies such as the Commission on Human Rights and are the "watchdogs" of the human rights that fall within their mandate. Some are large and international (e.g., the Red Cross, Amnesty International, the Girl Scouts); others may be small and local (e.g., an organization to advocate for people with disabilities in a particular city; a coalition to promote women's rights in one refugee camp). NGOs play a major role in influencing UN policy, and many of them have official consultative status at the UN.

Normative content

The normative content of the right contains all obligations for the duty-holder emanating from this right, along with all other norms imbedded in definitions and interpretations related to these obligations.

Oppression

Oppression is directed against people. People are oppressed, if they suffer acts or omissions of oppression. An act of oppression is an act (or omission) of a state or a third party pushing people below their <threshold> or keeping them in a situation, where they are deprived of their <basic human standard>. Such acts suppress the respective basic human status (see <suppression>).

Obligation-to-fulfill (under human right X)

The states' obligation to use the maximum of its available resources to establish the basic human standard (under X) of a vulnerable person or community deprived of it.

Obligation-to-protect (under human right X)

The states' obligation to use the maximum of its available resources to prevent third parties from destroying the basic human standard (recognized by X) of a vulnerable person or community.

Obligation-to-respect (under human right X)

The states' obligation not to destroy people's basic human standard (recognized by X)

Participation

One of the fundamental principles in basic human standards, as political participation, economic participation, etc.

Preventive policy or programme

Part of the <fulfillment-system> of a human right: Strengthens the position of vulnerable groups to avoid their deprivation.

Realization (of human right X)

Realization is the process of victims and/or their support communities using <implementation> procedures in order to make a states (or the community of states) keep their obligations under human right X in a specific situation.

In realization the people are the actors, in implementation the state. (See <full realization> and <implementation>). <Full realization> is the result of the result of realization process, once the basic standard is attained and can always be reestablished by realization.

Ressource Program

A programme in the <fulfillment system> of a human right that consists in the transfer of productive resources (land, capital, tools) rather than goods for consumption. Example: Agrarian reform.

Security principle

One of the fundamental principles in basic human standards, as social security, personal security etc.

Self-employment Programme

These programmes are part of the <Fulfilment-System> under the right to feed oneself and the right to work. They provide access to resources and tools to integrate people into the market sector managing their own "business" as a peasant, fisherfolk, trader, artisan etc..

Social Rights

Human rights that deal with the social sphere in the narrow sense, i.e. with situations where persons do not participate in economic activities: the right to an adequate standard of living, the right to social security, rights of mothers, children and the family, the right to health.

States reports

Periodic reports of states parties to international human rights treaties about the state of implementation and realization of the norms enshrined in these treaties.

Suppression

Suppression is directed against the <human rights standards> of people. More specifically: an act (or omission) suppresses the human rights standard for a person or community, if it destroys this basic human standard or if it keeps a person or community in a situation where the basic human standard is lacking. People whose human rights standards get suppressed suffer <oppression>.

Sustainability

A way of meeting obligations-to-fulfill and obligations-to-protect that does not jeopardize the basic human standard of future generations.

Threshold

The level of human standards (access to food, to political participation, fair trial etc.) that is just acceptable under human rights as a "basic human standard". Threshold is sometimes used to describe the point where the deprivation of the <basic human standard> sets in.

Transition

The change from an unsustainable or discriminatory economic or social system to a system that is in line with the human rights principles of sustainability and non-discrimination.

Treaty

Formal agreement between states that defines and modifies their mutual duties and obligations; used synonymously with Convention and Covenant. When conventions are adopted by the UN General Assembly, they create legally binding international obligations for the Member States who have signed the treaty. When a national government Ratifies a treaty, the articles of that treaty become part of its domestic legal obligations.

Treaty body

A supervisory committee of experts for a human rights treaty. Example: Committee on Economic, Social and Cultural Rights.

United Nations General Assembly

One of the principal organs of the UN, consisting representatives of all member states. The General Assembly issues Declarations and adopts Conventions on human rights issues, debates relevant issues, and censures states that violate human rights. The actions of the General Assembly are governed by the United Nations Charter

Universal Declaration of Human Rights (UDHR)

Adopted by the general assembly on December 10, 1948. Primary UN document establishing human rights standards and norms. All member states have agreed to uphold the UDHR. Although the declaration was intended to be Nonbinding, through time its various provisions have become so respected by States that it can now be said to be Customary International Law.

Universality of human rights

The fact that human rights apply to all human beings independent of their specific cultural, historical or other backgrounds.

Violations of human rights

A violation of a human rights X is either

- A breach of a state's obligation under the human right X, or
- A discriminatory or unsustainable way of meeting obligations-to-fulfill or obligations-to-protect under human right X.