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His Holiness the Dalai Lama

HUMAN RIGHTS

An education booklet

**Know Your Rights...
Fight for your Rights...
Protect your Rights...**

...A guide to Human Rights.



1999

THE TIBETAN CENTRE FOR HUMAN RIGHTS AND DEMOCRACY

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The Tibetan Centre for Human Rights and Democracy

The Tibetan Centre for Human Rights and Democracy (TCHRD) is a non-governmental organisation founded in January 1996 and registered under the Indian Societies Registration Act on May 4, 1996. The Centre was established in response to a need for effective monitoring of the human rights situation in Tibet and the promotion of democracy in the Tibetan community. TCHRD relies primarily on testimonials provided by Tibetan refugees in India, in addition to sources within Tibet and other concerned human rights groups.

TCHRD utilises the United Nations mechanisms and submits its reports to the UN Commission on Human Rights, UN Working Groups and Special Rapporteurs; participates in UN human rights conferences and other national and international fora to highlight the human rights situation in Tibet; organises seminars and workshops on human rights and democracy in the exiled Tibetan community and conducts campaigns for victims of human rights violations in Tibet.

TCHRD's staff members: Lobsang Nyandak, Executive Director; Tenzing Choephel C., Lobsang Tsering and Tenzin Chokey, Researchers; Kalsang Topgyal and Jampel Monlam, Field Officers; Phurbu Dolma, Accountant; Melissa Davis, Chantal Rumble, Wendy Miles and Knut Traisbach, Research Associates. Staff members in Kathmandu office: Tenzin Tseten and Gaden Tashi. TCHRD would like to thank Melissa Vincenty for her contribution for this publication.

TCHRD disseminates its information through various Tibetan publications and Tibetan broadcasting services. TCHRD has its website at <http://www.tchrd.org> which contains information about the centre as well as current and archived TCHRD newsletters and research publications. TCHRD also has an e-mail discussion forum, the "Barkhor", to which you may subscribe by writing to majordomo@cyborganic.net and include "Subscribe Barkhor" in your message.

The purpose of this booklet is to provide education on human rights within the Tibetan community with an aim to ground humanitarian and democratic values as the foundation of Tibetan society. This booklet is published on the 50th anniversary of the Universal Declaration of Human Rights.

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Why is it important to learn about human rights?

The issue of human rights concerns all of us. In all parts of the world, people and governments continue to commit acts such as torture, arbitrary detention, extra-judicial killing, and other human rights abuses against individuals. It is important to have an understanding of basic human rights and freedoms in order to prevent abuses from taking place. Some governments attempt to define human rights on the basis of cultural differences. This distinction ignores the universal nature of human rights which recognises that all human beings everywhere have common basic needs and should be treated with equal human dignity.

Individuals and governments which fail to uphold human rights standards are accountable to their people and to the world community. By understanding human rights, one can develop a sense of responsibility toward defending and advocating respect for human rights as well as expressing concern for those people whose human rights have been or are being violated. Human rights violations can only be remedied if one realises his or her basic rights and is willing to work for the promotion and protection of the human rights of oneself and of others.

Human rights education enables individuals and groups to become aware of the universal standards set forth in internationally recognised human rights instruments and increases understanding of both the personal and communal nature of human rights. Human rights thus become relevant to people's relationships with each other as well as with the state and other entities. It is only through the realisation of human rights that social justice and human freedom can be achieved.

This booklet aims to impart information about human rights, to promote respect for human rights, and to encourage action in defence of those rights.

TCHRD is committed to developing awareness and understanding of international human rights standards as well as the knowledge of relevant international mechanisms for the protection of human rights within the Tibetan community. Our goal is to encourage ordinary citizens to work towards safeguarding the human rights of all people. We believe that education is one of the most powerful means of preventing abuses of human rights.

Introduction

This year the international community celebrates the 50th anniversary of the Universal Declaration of Human Rights. This document, drafted in the wake of the second world war, aims to ensure respect for human rights in all parts of the world. Since then, substantial efforts have been made to promote and protect human dignity and human rights. However, many people and governments continue to violate human rights resulting in barbarous acts against mankind.

Governments are obliged, under international law, to act as the protectors of universal human rights. Tibet is one such instance where the international community thus far has failed to prevent widespread abuses of human rights. Even the most fundamental rights, such as the right to life or the right not to be subjected to torture, are consistently violated by the Chinese government.

The history of human rights is a long one with its roots in many individual struggles for freedom and equality in different parts of the world. Its principles can also be found in most of the world's religions and philosophies. The idea of human rights, therefore, pre-dates the United Nations, yet the creation of this international body represented the formal recognition of the importance of human rights in the world.

The area of human rights does not refer merely to violations. Human rights are becoming incorporated into many aspects of life; a type of social contract that fulfils people's aspirations to live in dignity and freedom. Human rights are also about the prevention of the misuse of power. The real protection of civil society can only come from its own creators: the people. People want to know that they are in full control of their lives and that they are recognised as unique individuals within society.

As the 20th century draws to a close, human rights in the world are confronted with many serious challenges and threats. Despite the many legal instruments and international mechanisms set up to ensure respect for human rights, shocking violations continue to take place in all parts of the world. Human rights are not a kind of miraculous cure for all the world's ills; it is dependent on the people themselves to respect human dignity and work actively to end human suffering.

WHAT ARE HUMAN RIGHTS?

- Human rights can be defined generally as those rights which are **inherent in our nature** and without which we cannot live as human beings. They are rights which every human being is entitled to enjoy and to have protected. Human rights and fundamental freedoms allow us to develop fully and use our human qualities and to satisfy our spiritual and other needs.
- Human rights are a **human creation**. They grow out of the feeling of injustice which human beings experience when their humanity is abused or denied. They are based on mankind's increasing demand for a life in which the inherent dignity and worth of each human being will receive respect and protection. Human rights introduce the idea of justice in the natural order of the world, thereby giving human existence a higher sense and purpose.
- Human rights are **universal moral rights** that should be respected in the treatment of all men, women, and children. These are also called natural rights and they belong to people simply because they are human. They do not have to be earned, bought or inherited. People are equally entitled to them regardless of their race, sex, colour, language, national origin, age, class or religious or political beliefs. The underlying idea of such rights exists in some form in all cultures and societies. People still have human rights even when the laws of their own countries do not recognise or protect them.
- Human rights **affect society as a whole**. The denial of human rights creates conditions of social and political unrest, sowing the seeds of violence and conflict within and between societies and nations. The Universal Declaration of Human Rights opens with the declaration that recognition of the equal rights of all members of the human family "is the foundation of freedom, justice and peace in the world".
- Human rights are **enshrined in internationally recognised laws** such as the Universal Declaration of Human Rights. The Universal Declaration and various other covenants, conventions and declarations are created by international bodies such as the United Nations and they make up a body of "law" that has moral and sometimes binding force on nations.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

On December 10, 1948, the Universal Declaration of Human Rights (UDHR) was created for the people of the world, affirming that all people are born equal in dignity. It was one of the first major achievements of the United Nations in the field of human rights. The Universal Declaration was drafted in the wake of World War II as a protest against the terrible atrocities which had occurred during the war and to help ensure that they would not be repeated. Each year on 10 December, the anniversary of the adoption of the Declaration is observed internationally as Human Rights Day.

The Universal Declaration states that human rights are “the foundation of freedom, justice and peace in the world.” The UDHR laid down the basic hopes and needs common to all of humanity. It recorded the wishes not only of people from countries which had already reached a certain economic standard of living, but also the rights of people in countries where millions of human beings were still weighed down by oppression, poverty and lack of adequate education.

The UDHR was intended to be a “common standard of achievement for all peoples and nations.” It has 30 articles which include civil, political, economic, social and cultural rights, and fundamental freedoms to which every human being is entitled.

The Universal Declaration of Human Rights was adopted by the General Assembly of the UN. At that time the UN had 56 members; 48 voted in favour, none against and 8 members abstained. The UDHR is not a treaty or a binding legal document. It is, rather, a declaration - a statement of intent or principle. Under the UN Charter, member states promise to take joint and separate actions to promote universal respect for the observance of human rights. There is therefore a strong moral expectation that member states will respect the spirit of the UDHR and follow its provisions.

The UDHR is also important because:

- It is used as a standard of behaviour and as a basis for appeals calling on governments to observe human rights.
- It has been made into law by several global and regional treaties or “covenants”, and by legally binding agreements and contracts between individuals, groups and countries.
- It has influenced the constitutions, laws and court decisions of many nations and international organisations.

TYPES OF HUMAN RIGHTS

In 1966 the rights enshrined in the 1948 Universal Declaration of Human Rights were divided into two covenants - the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The Covenants define in more detail most of the rights set out in the UDHR and deal with some additional rights.

The Covenants are treaties whose States Parties have formally agreed to abide by their provisions and the rights they recognise are expected to be law in those States. The ICCPR is considered to focus on individuals' rights and the obligations are meant to be discharged as soon as a State becomes party to the Covenant. The ICESCR is drafted more in terms of communal rights and states' duties, and the Covenant recognises that full realisation of these rights may have to be achieved progressively over a period of time.

Civil and Political Rights

Under the heading of Civil and Political Rights, all governments are to protect the life, liberty and security of their citizens. They should guarantee that no-one is enslaved and that no-one is subjected to torture or to arbitrary arrest and detention. Everyone is entitled to a fair trial. The right to freedom of thought, expression, conscience and religion is to be protected. These give people the freedom to think and to have access to information, the freedom to act and to choose what to do, and freedom to join in the political life of their community and society.

Articles 3 to 21 of the Declaration set forth the civil and political rights to which all human beings are entitled, including:

- the right to life, liberty and security of person;
- freedom from slavery and servitude;
- freedom from torture or cruel, inhuman or degrading treatment or punishment;
- freedom from arbitrary arrest, detention or exile;
- the right to a fair trial;
- freedom from arbitrary interference with privacy, family, home or correspondence;
- freedom of movement;
- the right of asylum;

- the right to marry and to found a family;
- the right to own property;
- freedom of thought, conscience and religion;
- freedom of opinion and expression;
- the right to peaceful assembly and association;
- the right to take part in government and to equal access to public service.

Economic, Social and Cultural Rights

Under the heading of Economic, Social and Cultural Rights, all governments are expected to work progressively to improve the living conditions of their citizens. For example, they should try to guarantee the right to food, clothing, housing and medical care, the protection of the family and the right to social security, education and employment. They are to promote these rights without discrimination of any kind. These provide people with protection against having the basic necessities of life taken away from them.

Articles 22 to 27 of the Declaration set forth the economic, social and cultural rights to which all human beings are entitled:

- the right to social security;
- the right to work, to receive equal pay for equal work and to form and join trade unions;
- the right to rest and leisure;
- the right to a standard of living adequate for health and well-being;
- the right to education;
- the right to participate in the cultural life of the community.

Environmental and Development Rights

These are sometimes referred to as the “third generation” of rights. This is a somewhat misleading characterisation as the right of all peoples to self-determination and to freely determine their political status and freely pursue their economic, social and cultural development is protected in article 1 of both the Covenant on Civil and Political Rights and the Economic, Social and Cultural Rights. As such, these rights are inalienable from the other “sets” of rights.

However, it is true that these group-based rights were actively discussed and specifically recognised and developed only in more recent years. The right to development was first recognised by the UN Commission on Human Rights in 1977 and was enshrined by the General Assembly in the 1986 Declaration on the Rights to Development. Environmental rights include the right to live in an environment that is clean and free from pollution and protected from destruction.

UNIVERSALITY OF HUMAN RIGHTS

The principle of universality is fundamental to the understanding of human rights - ie. That human rights apply equally to each and every human being, regardless of the culture in which they live. Yet it is heavily disputed, even rejected, by certain governments and movements who advocate “cultural relativism” - ie. That rights and rules about morality depend on cultural context and therefore necessarily differ throughout the world.

Unfortunately, cultural relativism is often used as an argument to justify the failure to respect certain international standards of human rights. For example, proponents of the “full belly thesis” argue that individual civil and political rights are a luxury for the starving masses and can only be granted once the primary needs of food and health have been satisfied.

Arguments in favour of one or the other of the “sets” of rights ignore the indivisibility of human rights. This means that respect for civil and political rights cannot be divorced from the enjoyment of economic, social and cultural rights. Authentic economic and social development cannot exist without the individual right to participate in the political process.

The universality of human rights was reaffirmed in the Vienna Declaration adopted by the World Conference on Human Rights in 1993. The Declaration states definitively that “The universal nature of these rights and freedoms is beyond question” and that “All human rights are universal, indivisible, and interdependent and interrelated”. This includes the broader range of rights including development and environmental rights and rights of indigenous peoples.

“Individual Rights” and “Collective Rights”

Human rights are designed to protect not only the individual but also individuals as members of groups or communities. It is therefore important to understand the relationship between “individual rights” and “collective rights”.

A right may be "collective" by virtue of the way in which it is exercised or by virtue of its holder. There are rights and freedoms that presuppose the existence of other individuals, groups and communities with which and within which they are exercised. Mention may be made, by way of example, of freedom of religion, freedom of assembly, freedom of association, the right to organise and the right to free elections. These are rights with a collective dimension by virtue of the way in which they are exercised.

Another distinguishing factor is the holder of a right. Whereas individual rights are rights of human beings considered in their individual essence, collective rights construed in this sense would be rights of groups or of communities which group individuals together. The recognition of certain group rights is essential for the self-fulfilment of the individual as a social being and for the achievement of an effective and genuine universality of human rights as rights of each and every individual without exception.

"Collective" rights and individual human rights are both complementary and mutually exclusive. They are complementary because an individual cannot be free if he lives in an oppressed group or population. But the two categories of rights may also be mutually exclusive, for how can the conflicts that are always possible between them be settled?

To recognise the rights of groups is to maintain that such rights must be capable of performing their function for the individual's benefit if the individual is to be a full human being. The rights of the groups are nothing else than the right of the individual to receive from groups the means he needs for his self-fulfilment. Since the group derives its own rights from serving the individuals who compose it, it has no rights against the rights of the individual.

THE UNITED NATIONS

In order to defend human rights through the United Nations system, one must first know how that system works. The purpose of this section of the booklet is to explain some of the workings of the UN: why it was created; what the different organs and bodies do; and which UN mechanisms are available to individuals.

Background

The predecessor to the UN was the League of Nations which was founded immediately after the First World War. It originally consisted of 42 countries, 26 of which were non-European. At its largest, 57 countries were members of the League. The League was created because a number of people in France, South Africa, the UK and the US believed that a world organisation of nations could keep the peace and prevent a repetition of the horrors of World War I. An effective world body now seemed possible because communication technology had improved and there was an increase in international co-operation.

The League had two basic aims. It sought to preserve the peace through collective action and created the League's Council for Arbitration and Conciliation to mediate in disputes. This body had the authority to impose economic and military sanctions if it deemed fit. The League's second aim was to promote international co-operation in economic and social affairs.

As World War II unfolded, however, it became clear that the League had failed in its chief aim of peace-keeping in part because it had no military power of its own. It depended on its members' contributions and its members were not willing to use either economic or military sanctions. Moral authority proved insufficient.

Furthermore, several Big Powers failed to support the League: the United States never joined; Germany was a member for only seven years from 1926-33 and the USSR for only five years from 1934-39; Japan and Italy both withdrew in the 1930's. The League then depended mainly on Britain and France who were hesitant to act forcefully. It proved difficult for governments long accustomed to operating independently to work through this new organisation.

Birth of the UN

The United Nations grew out of the ashes of the Second World War. It officially came into existence on 24 October 1945, when the UN Charter was ratified by a majority of the original 51 Member States. The United Nations is not a world government but is rather an organisation of sovereign nations.

The official purpose of the United Nations is to bring all nations of the world together to work for peace and development based on the principles of

justice, human dignity and the well-being of all people. It was intended to enable countries to balance global interdependence and national interests when addressing international problems. While respect for human rights is one of the founding principles of the UN, its human rights program reportedly accounts for less than one percent of the overall budget of the organisation.

As of May 1996, there were 185 members of the United Nations. All members meet in the General Assembly which is the closest thing to a world parliament currently in existence. Each country, large or small, rich or poor, has a single vote. While none of the decisions taken by the assembly are binding, the Assembly's decisions become resolutions that carry the weight of world opinion.

The United Nations Headquarters is in New York City but the land and buildings are international territory. The United Nations has its own flag, its own post office and its own postage stamps. Six official languages are used in the United Nations - Arabic, Chinese, English, French, Russian and Spanish. The UN European Headquarters is in the Palais des Nations, Geneva, Switzerland. It has an office in Vienna, Austria and Economic Commissions in Addis Ababa in Ethiopia, Amman in Jordan, Bangkok in Thailand and Santiago in Chile. The senior officer of the United Nations Secretariat is the Secretary-General who is presently Mr Kofi Annan.

The stated aims of the United Nations are:

- To keep peace throughout the world
- To develop friendly relations between nations
- To work together to help people live better lives; to eliminate poverty, disease and illiteracy in the world; to stop environmental destruction; and to encourage respect for each other's rights and freedoms
- To be a centre for helping nations to achieve these aims

The Main Organs of the United Nations

I. General Assembly

The General Assembly is the main deliberating body of the United Nations and is a place where countries can voice their concerns to the rest of the world. The General Assembly is composed of all UN members. Switzerland is one nation which is not a member of the UN, although the European headquarters of the UN is in Geneva. Each country has one vote and decisions on ordinary matters are taken by a simple majority. Important questions require a two-thirds majority.

The Assembly meets regularly from September to mid-December in New York and also holds special or emergency sessions when the need arises. Even when the Assembly is not in session its work goes on in special committees and bodies.

The General Assembly serves as a forum for Member States to discuss any matters of global concern. Each Member State is represented by a senior diplomat but, at times, foreign ministers or even heads of state attend meetings. The General Assembly promotes co-operation between nations in social and economic affairs and encourages the observation of human rights for all. It has special committees on such matters as disarmament, finance, humanitarian issues, and social and economic concerns. Deliberations in the General Assembly have resulted in significant agreements and the creation of new international law. These agreements, or adopted resolutions, are only recommendations and, as such, cannot be enforced. However, they carry great weight because they represent the opinion of a majority of countries.

The Assembly also sets policies and determines programmes for the UN Secretariat. It sets goals and directs activities for development, approves the budget of peace-keeping operations and calls for world conferences on major issues. Occupying a central position in the UN, the Assembly receives reports from other organs, admits new Members, approves the budget and appoints the Secretary-General.

II. Security Council

The League of Nations Council was transformed into the UN Security Council consisting of the five victors of World War II as permanent members and ten other countries serving two year terms. The five permanent members - France, China, Russia, the United Kingdom, and the United States - can forbid a Security Council action even if the other 14 countries are in favour. This is called veto power. The make-up of the Security Council has received heavy criticism as being unrepresentative of the world as a whole, and there is a growing impetus to admit new permanent members and to increase the total number of members.

The veto power is significant because, while the other organs of the UN can only make recommendations to governments, the Security Council has the power to make decisions which member states are obliged to carry out. The main function of the Security Council is to maintain international peace and, as such, it also serves as a forum to negotiate international disputes.

When a threat to international peace is brought before the Council, it usually first asks the parties to reach agreement by peaceful means. The Council may undertake mediation or set forth principles for a settlement. It may request the Secretary-General to investigate and report on a situation. If fighting breaks out, the Council tries to secure a cease-fire. It may send peace-keeping missions to troubled areas, with the consent of the parties involved, to reduce tension and keep opposing forces apart. It may deploy peace-keepers to prevent the outbreak of conflict. It has the power to enforce its decisions by imposing economic sanctions and by ordering collective military action.

The Council also makes recommendations to the Assembly on a candidate for Secretary-General and on the admission of new members to the United Nations

III. *Economic and Social Council*

ECOSOC, as it is often called, works under the authority of the General Assembly and co-ordinates the economic and social work of the UN. The Council has 54 members who serve for three years - 18 new members are elected each year. Voting is by a simple majority. It holds one month-long sessions each year. It discusses, studies and makes recommendations to the General Assembly relating to economic development, environmental issues, human rights and other economic issues. It also co-ordinates the work of the Commissions and the Specialised Agencies such as the World Health Organisation (WHO), the International Labour Organisation (ILO), the Food and Agriculture Organisation (FAO) and the UN Educational, Scientific and Cultural Organisation (UNESCO).

IV. *The International Court of Justice*

The International Court of Justice (also known as the World Court) is the main UN organ for handing down legal judgements. Only states, not individuals, can take cases before the court. It consists of 15 judges elected by the General Assembly. The judges are chosen on the basis of their qualifications and not on their nationality. However, no two judges can be from the same country. The seat of the court is in The Hague, Netherlands.

The UN Charter provides that each member of the UN is *ipso facto*

(by that fact alone) party to the Statute of the Court and non-members may also become parties on certain conditions. Parties States can refer matters to the ICJ such as border disputes, fishing and mineral rights and other matters to do with the Charter, and the General Assembly or the Security Council may ask the Court for an advisory opinion on any matter.

V. *The Secretariat*

The Secretariat is the "civil service" of the UN; it works for all the other organs of the UN and administers their programmes. It has an international staff of 15,000 to service the day to day work of the various commissions and agencies. The Headquarters are in New York. Other UN centres are in Geneva and Vienna. The head of the Secretariat is the Secretary-General.

UNITED NATIONS HUMAN RIGHTS BODIES

There are two main UN bodies dealing with human rights: the UN Commission on Human Rights and the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities. There are also a number of human rights committees, working groups and special rapporteurs.

The UN Commission on Human Rights

This body was established in 1946 with 18 member countries. The membership has increased over the years to its current total of 53 nations. The 53 member countries are elected for three year terms by the UN Economic and Social Council: 15 members come from Africa; 12 from Asia; 5 from Eastern Europe; 11 from Latin America and the Caribbean States; and 10 from Western Europe and other States (including USA, Canada and Australia).

The Commission is the central UN body responsible for promotion and protection of human rights. Its terms of reference are extensive; it may deal with any matters relating to human rights. The Commission considers and adopts resolutions on a wide range of human rights issues and some country-specific situations, makes studies, drafts international instruments setting human rights standards, and reviews recommendations and studies prepared by the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities.

The Commission meets annually in Geneva for six weeks, beginning in late January or early February. Its meetings are public, except when it meets in closed sessions for several days to discuss the "1503 procedure" (the confidential procedure for complaints about alleged human rights violations). During the public meetings, governments which are not members of the Commission and non-governmental organisations which have been granted consultative status with the UN Economic and Social Council may observe proceedings from the meeting room and make written and oral statements concerning issues on the agenda.

The Commission is a subsidiary of the UN Economic and Social Council (ECOSOC) to which it reports annually. ECOSOC operates under the authority of the UN General Assembly and reports annually to that body. The Commission's annual report to ECOSOC is a public document which summarises the results of the session and includes the text of all adopted resolutions.

During recent years, the Commission has discussed subjects including (but not limited to): human rights situations in various countries, self-determination, torture, "disappearances", capital punishment, detention for exercising the right to freedom of expression, religious intolerance, rights of the child, migrant workers, the role of youth in the protection and promotion of human rights, and protection of human rights defenders.

The High Commissioner for Human Rights is the UN official with principle responsibility for UN human rights activities. The first High Commissioner took office in April 1994, and the current High Commissioner, selected in June 1997, is Mrs Mary Robinson from Ireland. The High Commissioner works, through the Centre for Human Rights, to promote and protect human rights in the field and provides technical, financial and educational support.

The UN Sub-Commission on Prevention of Discrimination and Protection of Minorities

This Sub-Commission is composed of 26 members nominated by governments and elected to four-year terms by the UN Commission on Human Rights. In contrast to the Commission, the Sub-Commission members are elected to serve as independent experts rather than to represent their government's policies. Despite its official title, the Sub-Commission deals with a wide range of human rights topics. It debates and adopts resolutions on human rights issues and some country situations, carries out studies, drafts

international instruments, and makes recommendations to the Commission.

The Sub-Commission meets annually in Geneva for four weeks, beginning in early August. Its meetings are public, except for the several days when it meets in closed sessions to discuss the "1503 procedure". During public meetings government representatives and non-governmental organisations which have consultative status with ECOSOC may be in the meeting room as observers and may make written and oral statements concerning issues on the agenda.

The Sub-Commission submits a public report annually to its parent body, the UN Commission on Human Rights. That report summarises the results and includes the text of all adopted resolutions.

Human Rights Committees

The following six international human rights treaties are each monitored by a committee of independent experts. The Committee monitors the extent to which each of the States Parties (figures given are as at December 1996) are adhering to their treaty obligations and they may be required to report to the committee on human rights observance in their territory.

- International Covenant on Economic, Social and Cultural Rights - ratified by 134 States
- International Covenant on Civil and Political Rights - ratified by 134 States
- International Convention on the Elimination of All Forms of Racial Discrimination - ratified by 147 States
- International Convention on the Elimination of All Forms of Discrimination Against Women - ratified by 153 States
- Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment - ratified by 100 States
- Convention on the Rights of the Child - ratified by 187 States

Special Rapporteurs and Working Groups

The Special Rapporteurs and Working Groups are envoys entrusted with the politically sensitive and sometimes dangerous task of compiling information on violations in a specific country or of a certain type. Appointed as individuals rather than as Government representatives, special rapporteurs gather facts, maintain contact with local groups and Government authorities, conduct on-site visits when Governments permit and make recommendations

on how human rights institutions might be strengthened.

Working groups and special rapporteurs are also appointed to conduct "thematic" studies on issues such as torture, religious intolerance, arbitrary detention, summary or arbitrary execution and the sale of children and to take action in instances of abuse falling within that classification.

NON GOVERNMENTAL ORGANISATIONS (NGOS)

What are NGOs?

A non-governmental organisation (NGO) is any local, national, or international citizens' group (i.e. not part of a government) which does not work for profit. This simple definition also means that organisations under the NGO label have an extremely broad range of functions. NGOs work in fields as diverse as law, the environment, refugees, human rights and disarmament. They may work to influence government policy, to provide technical or medical assistance, to conduct research, and/or to educate or train others in the community.

Over the past decade the role of NGOs in local and international affairs has grown tremendously, reflecting a desire on the part of citizens to influence both their own lives and to take global responsibility for their world. Because of their flexibility, NGOs provide a unique channel through which ordinary citizens can participate in decisions which they feel affect their lives.

The work of publicising human rights violations and putting pressure on offending governments often falls to NGOs.

- At the international level, NGOs such as Amnesty International, the International Committee of the Red Cross and Human Rights Watch (with its divisions Africa Watch, Americas Watch, Asia Watch, Helsinki Watch and Middle East Watch) conduct on-site investigations, disseminate detailed reports and wage advocacy campaigns in international and domestic forums.
- Operating with far less public awareness and physical protection than their transnational counterparts are domestic human rights organisations, which, where possible, monitor the actions of their respective governments.

UNITED NATIONS AND NGOS

NGOs are independent and therefore willing to take risks in areas which governments and intergovernmental organisations consider politically sensitive. Mr. Garcia-Sayan of the UN Working Group on Disappearances commented, "...Those who hold human rights above all other concerns are the NGOs...They are the fuel and the lubricant which allow the [UN human rights] machine to function and speed the working up."

NGOs have, by their very nature, a freedom of expression, a flexibility of action and a liberty of movement which enable them to complement the role of the United Nations in the promotion and protection of human rights. At the 1945 San Francisco meetings in which the United Nations charter was drawn up and signed, 42 NGOs were invited to participate. They presented draft texts for the Charter, parts of which were eventually incorporated, including article 71: "The Economic and Social Council may make suitable arrangements for consultation with non-governmental organisations...". This statement laid the foundation for co-operation between the UN and NGOs. The Council granted consultative status to a limited number of NGOs which means that these NGOs can participate in some debates and occasionally place items on the agenda.

It is probably "in the field" that the presence of NGOs began to be felt most strongly. Specialised agencies and bodies such as the UN Development Programme and the UN Commissioner for Refugees realised early on that NGOs offered them crucial resources and expertise. For example, without the co-operation of humanitarian organisations such as CARE and Medicins Sans Frontier (Doctors Without Borders) it would have been virtually impossible to meet the needs of refugees fleeing war.

Many of these specialised agencies have their own relationships with NGOs; they can co-ordinate NGO efforts, provide funds for NGO projects, or even receive funds from NGOs for their own programmes. The co-operation of NGOs has also furthered the goals of the UN in areas such as disarmament, human rights, education, the environment and science.

During the 1992 UN Conference on Environment and Development in Rio de Janeiro the broader participation of NGOs in addressing global issues was officially acknowledged. Over 1500 organisations were accredited to participate in the conference. In this and subsequent international conferences

such as the World Conference on Human Rights (Vienna), the International Conference on Population and Development (Cairo), the World Summit for Social Development (Copenhagen) and the Fourth World Conference on Women (Beijing), NGOs have influenced the agendas and, hence, the laws resulting from these discussions.

In short, NGOs participate in the UN system in four ways:

- They raise issues such as women's rights and the environment which then get placed on world agendas;
- They shape decisions made by the UN, although they are more influential in social and humanitarian fields than in politics;
- They enter into partnership with the UN to help carry out its objectives and programmes in the field;
- They serve as important watchdogs of the UN; observing, criticising and reporting on its role.

THE UN AND INDIVIDUALS

In some circumstances, the UN can receive communications from individuals who have information about human rights violations and who have tried without success to obtain satisfaction within the country concerned. Three UN treaties provide this possibility:

- The Optional Protocol to the International Covenant on Civil and Political Rights - allows a person who claims to be a victim of any of the rights set out in the ICCPR to lodge a complaint provided that the State complained of is party to both the ICCPR and its Optional Protocol. The Human Rights Committee, established under the ICCPR, will consider such communications together with any information submitted by the concerned State and can then make its views known on whether the Covenant has been respected.
- The Convention on the Elimination of All Forms of Racial Discrimination - allows an individual, or group of individuals, to lodge a complaint with the Committee on the Elimination of Racial Discrimination stating that their individual or group rights under the Convention have been violated. Again, this is possible only if the State complained of is a party to the Convention and has declared that it accepts the optional complaint procedure.
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment - allows, where a State Party has so

accepted, an individual to complain to the Committee against Torture that she or he is a victim of a violation by that State Party.

In addition, anyone or any group in the world who feels that they have been prevented from exercising their human rights may take their case to the UN even when it is not covered by a UN treaty. Such complaints are dealt with by the Commission on Human Rights under the "1503" procedure. A copy of the complaint is sent to the government concerned (with the complainant's name withheld unless otherwise agreed) which may submit a reply. The case is also sent confidentially to the Human Rights Commission and Sub-Commission and the complaint and any reply is considered by a working group of the Sub-Commission. Where a consistent pattern of gross violations is revealed, the Commission may carry out a thorough study or appoint a special committee or rapporteur to investigate.

TIBET AND THE UNITED NATIONS

In the early years of Tibet's occupation by China, the UN General Assembly passed three resolutions - in 1959, 1961 and 1965 - calling on China to respect the human rights of Tibetans, including their right to self-determination.

Tibet was not mentioned again at the UN for twenty years. A number of factors contributed to the silence; perhaps chief among them was pressure by the People's Republic of China, which gained admission to the UN in 1971. It was only in 1985, at the 41st session of the Commission on Human Rights, that the representative of the NGO International Fellowship of Reconciliation, expressed concern over the religious persecution in Tibet.

Since then, Tibet has figured prominently at various UN human rights fora. On August 23, 1991, the UN Sub-Commission on the Prevention of Discrimination and Protection of Minority Rights passed the "Situation in Tibet" Resolution, expressing concern at "continuing reports of violations of fundamental human rights and freedoms which threaten the distinct cultural, religion and national identity of the Tibetan people". As result of the Sub-Commission resolution 1991/10 of August 1991, the UN Secretary General submitted a report on the "Situation in Tibet" to the Commission on Human Rights in 1992. This was the first official UN report on Tibet since 1965 when the last UN resolution on Tibet was adopted at the General Assembly.

At the 51st session of the Commission in 1995, NGOs and governments, including those from France (which headed the EU countries' delegates), the

USA, Ireland, the UK, Norway and Australia, spoke on the critical nature of the human rights situation in Tibet. They addressed issues in various areas including the denial of Tibetan self-determination, lack of religious freedom and the human rights violations of Tibetans arrested and held in isolated detention. A number of Special Rapporteurs and Working Groups, particularly those on religious freedom and arbitrary detention, criticised Chinese practices in Tibet.

Progress on the question of Tibet and human rights took a discouraging backslide at the 53rd UN Commission on Human Rights held from March 10 to April 20, 1997. Many governments that had previously supported a resolution condemning China's human rights record withdrew their co-sponsorship of the resolution. The resolution, which expressed concern over the continued detention of Gedhun Choekyi Nyima and urged China to refrain from policies which threaten the distinct identity of the Tibetan people, was eventually initiated by Denmark and supported by 17 countries.

UN procedure allows for a member to propose a "no-action" to any resolution which then blocks discussion of the resolution. Since 1991 the People's Republic of China has successfully used the "no-action" to escape scrutiny of its human rights record. In 1997, 17 countries, predominately Western democracies, voted against China's no-action proposal. However, 27 countries voted in favour of the no-action and nine countries abstained meaning that there could be no discussion of the resolution.

The reasons for countries' unwillingness to discuss China and its human rights record may be based on a variety of factors. Unfortunately, one of the most likely motivations is economic. Nations are competing for the opportunity to gain a share of China's immense consumer market and criticising China on human rights violations in general, or the issue of Tibet specifically, invariably leads to strong protests by China and a freeze in economic relations.

China makes no secret of its readiness to cut economic ties with those who broach the subject of Chinese human rights violations. The Danish Ambassador who initiated the 1997 condemnation was apparently told that "he would regret" his country's efforts in respect to the draft resolution. China then published a list of Danish corporations which it proposed to exclude from future contacts. Trade visits to three European countries that supported the punitive resolution were cancelled and visits were quickly rescheduled for countries such as Australia which had withdrawn its support for the pro-Tibet initiative.

HUMAN RIGHTS SITUATION IN TIBET

Ever since China invaded Tibet in 1949 the human rights of the Tibetan people have been consistently violated. Forty-eight years later, the degree of brutality has escalated rather than abated, and the existence of the Tibetans as a people are increasingly under threat. The violation of human rights in Tibet has a distinct character. Tibetans are being targeted as a people and human rights abuses in Tibet are often the result of systematic and institutionalised racial and cultural discrimination. Tibetans are facing a gradual ethnic cleansing — the annihilation of an entire race, religion and heritage.

The prevalence of arbitrary detentions, the lack of criminal justice, the absence of freedom of speech and assembly, and the disregard for the basic rights of women and children are some of the critical grounds of concern for the Tibetan people. Many of these rights are specifically protected in conventions to which China is, as a State Party, bound to uphold.

Political repression

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers

(Article 19 Universal Declaration of Human Rights)

Everyone has the right to freedom of peaceful assembly and association

(Article 20, Universal Declaration of Human Rights)

Tibetans in Tibet can be arrested for the distribution of human rights leaflets, the pasting of pro-independence leaflets or the shouting of independence slogans. Small peaceful demonstrations lasting just a few minutes can result in lengthy detention.

Tanak Jigme Sangpo, a former primary school teacher, now 71 years old, is serving one of the longest sentences imposed on a prisoner of conscience in Tibet. Tanak Jigme Sangpo had already served some 13 years in prison for independence activities when he was sentenced in 1983 to 15 years imprisonment for "counter-revolutionary propaganda and incitement". His sentence was subsequently extended by five years and later a further eight years for shouting independence slogans in prison. By the time he is released in 2011, he shall have spent 28 unbroken years and a total of 41 years behind bars.

Ngawang Sangdrol, a Garu nun, is serving an 18 year sentence, the longest known sentence of any female political prisoner in Tibet. Originally arrested for pro-independence demonstrating, she and 13 other nuns had their sentences extended after recording pro-independence songs in prison. In March 1996 Sangdrol was amongst a number of female prisoners who refused to tidy her cell, apparently as a protest against the Panchen Lama re-education campaign being conducted in the prison, and also refused to stand up on one occasion when a Chinese official entered the room. When she was sent to stand in the rain as punishment, Ngawang Sangdrol called out "Free Tibet". As a result, Ngawang Sangdrol's sentence was extended by another nine years in July 1996.

Arbitrary arrest and detention

No one shall be subjected to arbitrary arrest, detention or exile

(Article 9 Universal Declaration of Human Rights)

Often detained Tibetans are not informed of the charges against them, they are denied legal access, they are detained for unreasonably lengthy periods, their relatives and family have not been informed of their whereabouts and they have not been accorded a fair trial.

Chadrel Rinpoche, head of the Chinese Search Committee for the Reincarnation of the Panchen Lama, was arrested on 17 or 18 May 1995 and held incommunicado under house arrest, suspected of having communicated with the Dalai Lama in exile regarding the choice of the reincarnation. China did not respond to UN enquiries regarding Chadrel Rinpoche's detention until May 1996, a year after his disappearance. Denying his arrest, it was claimed that he had "suddenly taken ill and had to be hospitalised." Almost two years had passed when, on 21 April 1997, Chadrel Rinpoche was charged with "plotting to split the country" and "leaking state secrets" and was sentenced to six years imprisonment in a trial closed to the public. In September 1997 it was discovered that Chadrel Rinpoche was being held in a top-secret prison cell in which only three people are allowed to enter and from which he is never permitted to leave.

Ngawang Choephel, a Tibetan musician and scholar, was arrested by the Chinese authorities while travelling in Tibet in 1995 to undertake research for the creation of a documentary on traditional Tibetan music and performing arts. Ngawang Choephel was held incommunicado for more than 15 months without charge or trial. In 1996 he was sentenced to an 18 year prison term and four years subsequent deprivation of political rights, charged with "spying

for the Tibetan Government-in-Exile". No evidence was ever offered to support such allegations and authorities claimed that Ngawang had "confessed".

Religious Repression

Everyone has the right to freedom of thought, conscience and religion; this right includes the freedom to change his religion or belief, and freedom either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance

(Article 18 Universal Declaration of Human Rights)

China has launched a number of campaigns within Tibet aimed at restricting religious practices and replacing spiritual beliefs with socialist ethics. Under the Strike Hard "Re-education" Campaign, launched in Tibet in 1996, Chinese "work teams" have been sent into monasteries and nunneries to "re-educate" monks and nuns along Communist lines and to instruct them on the "evils" of the Dalai Lama and Tibetan nationalism. A five-point political pledge requires monks and nuns to oppose the idea of an independent Tibet, to denounce the Dalai Lama and to recognise the Chinese-appointed Panchen Lama. When monks refuse to accept these principles, they risk expulsion, arrest and imprisonment.

Photographs of the Dalai Lama are prohibited, religious festivals have been curtailed and regulations allowing entrance into monasteries have been sharply tightened. Entrance to the monasteries has been denied to those aged below 16 years. The effect of this is to reduce the monastic population and to discourage religious studies in Tibet's traditional learning institutes.

In July 1997, in a radical re-definition of centuries of history, China's top leader declared Tibetan culture to be, in fact, "Non-Buddhist". The official Chinese newspaper stressed that "Religion must adapt to the development needs of socialism and not socialism adapting to the needs of religion" and complained that monks were not contributing to economic growth.

Torture

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment

(Universal Declaration of Human Rights, article 5)

The use of torture to obtain confessions is common practice in all prisons run by the Chinese Administration in Tibet. Each year there are reports

of Tibetans having died as a result of torture and ill-treatment at the hands of Chinese officials.

Methods of torture include: inflicting shocks with electric batons; beating with iron bars, rifle butts and nail-studded sticks; branding with red-hot shovels; pouring boiling water over prisoners; hanging prisoners upside down or by the thumbs from the ceiling; shackling; kicking with boots; setting ferocious dogs on prisoners; exposure to extreme temperatures; deprivation of sleep, food and water; prolonged strenuous "exercise"; long periods of solitary confinement; sexual violence; taunts and threats of torture and death.

Education and language

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language

(Article 27, International Covenant on Civil and Political Rights)

Everyone has the right to education. Education should be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory

(Article 26, Universal Declaration of Human Rights)

Actions and policy-making by Chinese authorities reveal a striking trend to sinocise Tibetans in Tibet through the targeting of education and language. In April 1997, Chinese authorities in "TAR" announced that Chinese would be introduced from the first year of schooling and suggested that in some primary classes Chinese will replace Tibetan as the language of instruction. Prior to that Tibetan children were taught in their own language from age six until thirteen and began to learn Chinese from age nine.

When they reach medium school Tibetan students must switch to Chinese medium, with the exception of 40 "special" secondary schools in Amdo (incorporated into Qinghai province). Similarly in senior secondary institutions, Tibetans are taught and examined primarily in Chinese. All except one of the 17 courses at Lhasa University are now taught mainly in Chinese.

New schools constructed in the "TAR" are primarily located in large towns and cities and are geared toward Chinese settlers. Approximately one third of school-aged children in Tibet continue to receive no education at all, compared with just 1.5 percent of Chinese children. This is not due only to the

remoteness of some Tibetan regions, an argument frequently invoked by China, but rather to the prohibitively high school fees charged by Chinese authorities and discrimination against Tibetan children in school admission.

Children who have fled to exile say that, even if their parents were able to pay the fees and necessary bribes, their education consisted of indoctrination lessons on the greatness of Chinese leaders and socialism and contained almost nothing of Tibetan culture, history or religion.

Women

States Parties ... shall ensure, on a basis of equality of men and women: (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights

(Art. 15 Convention on the Elimination of Discrimination Against Women to which PRC is a State Party)

Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: Imposing measures intended to prevent births within the group

(Art. II(d) Convention on the Prevention and Punishment of the Crime of Genocide to which PRC is a State Party)

Birth control policy is carried out in all parts of Tibet through propaganda, coercion and strict regulatory measures. One of the many reports received describes the sterilisation of 308 Tibetan women in the sub-district of Takar in Chushur under Lhasa City in the space of just 22 days between September and October of 1996. Amongst these women, Nyima Dolma, aged 27, died after one such forced sterilisation. Another woman, Nyima, was forced to abort her three month old child before also being sterilised.

Women report being inserted with contraceptive devices without their knowledge. Sometimes the device is implanted while the woman is pregnant, leading to the delivery of a dead foetus. Sometimes devices are left inside the woman long after they should have been removed and they rust and become embedded in flesh. Some couples report having to test their luck in a lottery system. If their names are not drawn then the mother, even if five or six months pregnant, must undergo an abortion. If a couple bears a child without undergoing the lottery system, they are fined heavily and their child will be deprived of educational and welfare opportunities.

Children

No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate time

(Article 37 (b) of the Convention on the Rights of the Child to which China is a State Party)

At least 50 Tibetan child political prisoners currently languish in Chinese prisons in Tibet for exercising their freedom of expression. They are detained in adult prisons, denied legal representation and contact with family and subjected to severe ill-treatment.

On 14 May 1995 His Holiness the Dalai Lama announced Gedhun Choekyi Nyima as the 11th reincarnation of the Panchen Lama. Some days later the six year old boy and his parents went missing, reported to have been taken by Chinese security forces to Beijing. It was not until a year had passed that China admitted in May 1996 that the child had been "put under the protection of the government at the request of his parents." The safety and whereabouts of the boy remain unknown and no international monitor has yet been allowed to visit the family.

Tibet's "Development"

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

(Article 1, International Covenant on Economic, Social and Cultural Rights to which the PRC is a State Party)

China proudly alleges that, without Beijing's help, Tibet would be floundering, dependent on yaks for subsistence. In 1996 Beijing said it had invested four billion yuan (482 million dollars) in infrastructure building and granted three billion yuan as subsidy, yet the "TAR"'s Economic Commission admits that an estimated 300,000 Tibetans still live below the poverty line, each living on less than 78 dollars a year.

One Tibetan exile who visited Tibet ten years ago was struck by the development in his village: a power generator had been built, power lines had been erected and there were bulbs and switches in every house. Yet when, after four days, he still had not witnessed lighting, he made enquiries of the villagers. He was informed that the electricity stopped just a few months after construction

in the 70's and had not returned at all in the 10 years since. In his next visit to his home, recently made, even the power lines had disappeared - pulled down by the villagers to be used for more practical purposes.

The other major Chinese 'development' in his village was the construction of an irrigation channel. Tibetan "volunteers" were conscripted from every family to work on the mega-project and many died on site. The project for which many lost their lives now services just five families for, contrary to basic laws of gravity, the canal had been built to run up the mountain.

China claims to have greatly developed the hospital system in Tibet. Yet one Tibetan describes the sharing of a single needle amongst 40 or 50 patients and estimates the state allocation for health care as a little over 3 yuan (35 cents) per person per month. He says that despite Beijing's claims of a policy of free medical facilities, without a deposit of 5000 yuan the "TAR's First People's Hospital" will not admit a patient even in the most critical condition. Another Tibetan now in exile reported that two Tibetans died after they were refused hospital care in Shigatse People's Hospital for not having the requisite deposit.

Population Transfer

The occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies.

(Article 49 of the Fourth Geneva Convention of 1949, to which China is a signatory)

The preservation of the Tibetan identity is perhaps the most critical and immediate threat faced by the Tibetan people today. The Tibetan culture is a rich and ancient mix of distinct language, religious practices, spiritual beliefs, dress, music and literature, arts and architecture, history and folk lore, medical and political systems, environmental respect, festivals and social customs. Where the physical introduction of another race has the effect of marginalising the other, these cultural riches will be irretrievably lost.

Since mid-1994, it is estimated that more than 500,000 new Chinese immigrants have been moved into Tibet to work on the 6' new industrial development projects initiated by Beijing. The population transfer that accompanies such project results in further marginalisation of the 6 million Tibetans who are now outnumbered by 7.5 million Chinese settlers.

These settlers receive preferential treatment in housing, employment, education and social services. New schools and hospitals constructed in the "TAR" are primarily located in large towns and cities and are geared toward

Chinese settlers. Traditional Tibetan-style housing has been destroyed in favour of Communist-style blocks. The latest project - the massive Three Gorge Dam - promises to wreak further havoc on Tibet's fragile ecological system, already seriously endangered by China's extensive deforestation and mining, and to propel a potential 1 million more Chinese into Tibet.

HUMAN RIGHTS KEY TERMS

Amnesty is a general pardon or conditional offer of pardon for past offences against a government.

Apartheid was the policy of rigid racial segregation practised by the South African government from 1948 to 1991 which applied to housing, education, employment and transport. It also limited the rights of non-whites to own and occupy land, to participate in politics and to enter white neighbourhoods. Apartheid is a gross violation of the right to be free of racial discrimination and has been specifically recognised as a crime against humanity in the 1973 International Convention on the Suppression and Punishment of the Crime of *Apartheid*.

Arbitrary Detention: The holding of a person in custody by means that do not conform to established human rights standards such as length of detention, access to legal representation, fair trial.

Censorship is the act or system of examining media, literature, entertainment, art and even personal correspondence and, if considered necessary, of changing or prohibiting them to make the content acceptable to the government. This may constitute a violation of freedom of expression.

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

Convention is another word for a treaty and forms part of international law. A convention sets out standards which are considered to be legally binding upon those states which ratify the convention.

Covenant is a treaty and is, like a convention, legally binding on its States Parties. There are two UN covenants: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Deprivation is the act of taking away certain rights or freedoms by force.

Detention is the act of keeping in custody or confinement.

"Disappearance" is the taking of a person into custody by or with the approval of the authorities, who then deny that the victim is being held. 'Disappeared' people are often at risk of torture or extra-judicial execution. The word is usually placed in inverted comas by human rights organisations to indicate that they do not accept official explanations that these people have actually disappeared.

Discrimination is the practice of treating people in different ways, for example based on race or religion.

Economic rights are those rights that concern the production, development and management of material wealth for the necessities of life.

Extra-judicial (trial) is a "trial" that occurs beyond the action or authority of a law court.

Fair trial occurs where the legal proceedings in connection with a trial conform to the established international standards, including proper pre-trial and courtroom treatment.

Freedom of expression is the freedom to express ones view in print and other media, and to receive as well as communicate ideas.

Genocide is the carrying out of acts with the intent to destroy a national, ethnic, racial or religious group. The 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide declares genocide to be a crime under international law.

Indigenous refers to a people or culture native or original to an area. It is often used to refer to the inhabitants of a territory prior to invasion or colonisation and to their descendants.

Justice is the administration of law and authority in accordance with international standards of equality and fair treatment.

Liberty is the state of being free from captivity, imprisonment or slavery; the right or power to act and think as one chooses.

Martial law is rule by the army instead of the ordinary civil authorities. May be declared during a state of war or emergency.

Non-derogable rights are those rights which may never be suspended or limited even in emergency situations. These are the rights to life, freedom from torture, freedom from enslavement or servitude, protection from imprisonment for debt, freedom from retroactive penal laws, the right to recognition as a person before the law, and freedom of thought, conscience and religion.

Non-refoulement is the principle that states are obliged not to return any person to a country where his or her life or freedom would be threatened on account of his or her race, religion, nationality, social membership or political opinion. It is set out in the 1951 UN Convention relating to the Status of Refugees, and is also considered "customary" international law which is therefore binding on all states, whether or not they are party to that Convention.

Persecution is the act of targeting someone for bad treatment because of his/her identity, principles or beliefs; generally involves a course or period of systematic punishment or oppression.

Political prisoner is, in its broadest sense, 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 these actions in themselves or the motivation of the authorities in taking the person into custody.

Prisoner of conscience is a person imprisoned, detained or otherwise physically restricted by reason of his/her political, religious or other conscientiously held beliefs or by reason of his/her ethnic origin, sex, colour or language, provided that he/she has not used or advocated violence.

Racism is the belief that a particular race, especially one's own, is superior to other races; discrimination or prejudice against a race or races based on this belief.

Ratification is the act whereby a State formally establishes its consent to be bound by a treaty; ratification of a UN treaty requires the deposit of an instrument of ratification with the UN Secretary-General.

Refugee is a person who flees for refuge or safety, especially to a foreign country, in time of war, persecution, or disaster. It is more narrowly defined under the UN Convention relating to the Status of Refugees to refer to individuals who

are unable to return to their country due to persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion.

Segregation is the separation of one racial group from another or from the rest of society, for example in schools, theatres, restaurants, and other public and meeting places.

Self-determination is the right defined in article 1 of both UN Covenants of all peoples to "freely determine their political status and freely pursue their economic, social and cultural development."

Slavery is where a person is considered or treated as the property of another, for example the exploitation of prostitution and child labour. There are several international instruments outlawing slavery-like practices.

Solitary confinement is the detention of a person away from other prisoners.

State Party is a nation country whose government has ratified or acceded to a treaty or agreement, such as a Convention or Covenant, and is legally bound to follow its provisions.

Terrorism is the use of terror, especially the systematic use of terror by a government or other authority against particular persons or groups.

Torture is the act of inflicting severe pain or suffering, whether physical or mental, on a person. The UN Convention Against Torture deals with such acts when they are intentionally inflicted by or in collaboration with a public official as a punishment, for reasons of discrimination, or to make the person give evidence or confess.

Trial is the act of examining and deciding a civil or criminal case by a law court.

Treaty is an agreement, especially one between nations, signed and approved by each nation.

Tribunal is a court of justice or a place of judgement or judicial assembly.

Violation is the act of breaking a law, rule, agreement, promise or instructions; the disregard for human rights provisions and standards.