CEU CENTRAL EUROPEAN UNIVERSITY

the ACTIVIST

Issue 18

HRSI's annual student-led human rights journal

HRSI AWARE CONCERNED ENGAGED

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the ACTIVIST

HRSI's annual student-led human rights journal

About HRSI

The Human RightS Initiative (HRSI) is an awareness raising and capacity building organization based at Central European University (CEU). It was founded in 1999 by the students of the CEU Legal Studies Human Rights Program. Since then it has grown into an internationally-recognized human rights organization, focusing on youth involvement, education and active student participation. HRSI's mission is to promote social engagement through awareness raising and capacity building. Our main target groups are CEU students and alumni, local and regional students, NGO staff and activists as well as local and regional NGOs.

HRSI works with local and regional human rights organizations, as well as international organizations such as the Council of Europe. HRSI is composed of a Coordinating Body and an Executive Board. HRSI's Coordinating Body consists of one staff member, who works in the HRSI Office. Please stop by the HRSI Office and visit us anytime.

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Disclaimer

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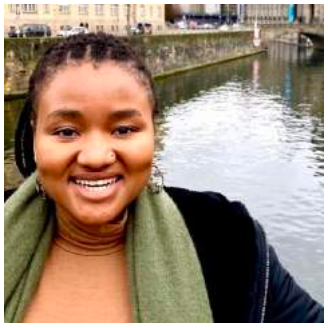

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Editorial Foreword

The last 18 months of the COVID-19 pandemic have brought people from vastly different corners of the human community into a realm of relatively common experience; the instability and uncertainty of public health, politics, and economies have become distinctly familiar to all of us. So has the sense of bearing witness to the complexity of a catastrophic occurrence. Our lives in general are shaped by our experience of circumstances which we are (or feel) involved in but cannot always influence or change; German thinker Walter Benjamin poignantly observed that "the concept of progress is to be grounded in the idea of the catastrophe. That things 'just go on' is the catastrophe."[1] This certainly characterizes the development of political and humanitarian conscience, and especially that conscience which responds to human rights issues: we feel moved, that we are brought to attention and action, because we are watching the world "just go on" in the face of injustice, violence, and exploitation. Making progress, then, depends on our ability to bring attention to and address the issues which the world at large seems to turn its head away from.

The written submissions to this 18th issue of The Activist revealed to us that, despite global focus in many ways remaining centered on COVID-19, CEU students are engaged and paying attention to many different human rights stories which are unfolding in the contemporary world. Common themes emerge from the body of works which we selected to include in this issue; one dominant thematic area is illiberal democracy. This is an area of concern which CEU, after its recent ouster from Budapest by the illiberal Hungarian government, holds personal stake in. Relevant topics under the umbrella of this theme, including the rule of law, freedom of expression, and social morality, are central to much of the writing included in this issue.

The diversity of regions, forms of government, and other circumstances which the authors address reveal that similar patterns of repression and human rights challenges repeat themselves in many contexts, paying no mind to borders, history, and other markers which we often use to categorize and divide the world.

Since February of this year, the CEU community has been reeling from the arbitrary detention of student Ahmed Samir Santawy. Ahmed was arrested by Egyptian authorities and is being held on account of obscure, false charges. This story has served as a strong reminder to the community that we do not hold political and humanitarian consciousness in a vacuum, and that the forces that we work against, whether on the level of ideological challenge or physical advocacy, can easily reach into our personal lives. It is a painful reality which I could not neglect to mention as I introduce this publication on human rights.

I would like to extend a very warm thank you to all of this year's contributors and staff, as well as to our coordinator, Shwetha Nair, and to HRSI for providing this platform for student voices. I hope that you, reader, enjoy this look into the critical minds of my peers at CEU.

Maggie Holloway
Human Rights MA
2021 editor-in-chief

1 Walter Benjamin, "Central Park," New German Critique 34 (Winter 1985): 50.

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Richard Anar

2nd-year International Relations MA

Richard Anar focuses on the Uyghur minority in China, a Turkish-speaking and Muslim community mainly living in western China. Drawing from Michel Foucault's seminal concept, Richard argues that biopolitics in the last 50 years played a key role in administering millions of Chinese people into the unique Chinese capitalist-production-cycle, enabling the path towards becoming a global superpower. Richard primarily focuses on re-education camps, arguing that they play a significant role in transforming/involving Uyghurs within the Chinese State Capitalist model.

1.

Chinese Re-Education Camps in Xinjiang: Biopower and Governmentality in Chinese Ideology

China's crackdown on Uyghurs, an ethnic Turkic minority living mainly in Western China, has gained attention in the West, especially since troublesome reports emerged in the Summer of 2017 about the large-scale internment of Uyghurs in China.[1] Since then, China has officially acknowledged the existence of re-education camps in a White Paper titled "*Vocational Education and Training in Xinjiang*".[2] In a recent report, experts comprised of international law and human rights lawyers concluded that the Chinese government's actions in Xinjiang, including the mass incarceration of Uyghur's in re-education camps, constitute an act of genocide according to the 1948 Genocide Convention.[3] In this paper, I want to focus on the re-education camps—also known as Xinjiang internment camps—and the way state power in Xinjiang projects a biopolitical frame for its brutal cultural genocide towards Uyghurs.

The state-capitalist model of China has used biopower as a tool to create a globally savvy, competitive labor force that would both facilitate and symbolize China's emergence as a global power. I argue that Chinese state ideology does not aim to exterminate Uyghurs vis-à-vis the Nazi "Final Solution"; it projects another way of eradication, one that exterminates Uyghur culture and forcefully adapts Uyghurs into Chinese mainland culture. In addition, I argue that the comparison between concentration camps and re-education camps is imprecise: unlike Nazi ideology, Chinese ideology does not function to eradicate the Uyghur population completely; rather, its goals are more long-term, through planned cultural genocide and biopolitical policies of forced assimilation[4]. Particularly, to create Uyghur bodies that will disintegrate into the Chinese state capitalist production cycle.

Michel Foucault argued that a defining characteristic of states in the modern period is their tendency to make all politics into biopolitics, which focuses on the productive force of individual bodies, or citizens, as either productive or unproductive to the polity. The productive bodies within society are viewed as both the object of governance and as a critical tool in the hands of the government, while unproductive bodies are viewed as dangerous to the polity and should be "banished, excluded, and repressed", a process in which the productive dutifully assist.[5] Sean R. Roberts argues that in describing this focus of modern governance on the productive force of human bodies, that the biopolitical polity views itself as a living organism, the health of which depends upon fostering the productive actors within it while excluding the infectious potential of those who are unproductive or, even worse, counter-productive.[6] Chinese state ideology uses the policy discourse of a "harmonious society" since 2006. The term was coined by former President Hu Jintao during a time of rapid socio-economic development and China's immersion in the globalization process. Furthermore, there

is a direct link between Chinese economic development and the effort to "harmonize" and "discipline" the Chinese people, especially minorities like Uyghurs.[7]

In *Foucault, Governmentality, and Critique* Thomas Lemke argues that the accumulation of capital presumes technologies of production and forms of labor that enable utilizing a multitude of human beings in an economically profitable manner.[8] To expand on this point, the specific epistemic transformational use-value of re-education camps can be perceived as an antecedent of the planned transformation of Uyghurs into the existent mainstream Chinese labor force. Foucault argued that labor power must first be constituted before it can be exploited: that is, that lifetime must be synthesized into labor time, individuals must be subjugated to the production circle, habits must be formed, and time and space must be organized according to a scheme.[9] This is exactly what is occurring in re-education camps: Uyghurs are being transformed and disciplined into subjects that have internalized the necessary habits of productive members of Chinese capitalism.

Since the 1978 economic reform, which radically shifted state economic goals towards capitalism, the Chinese state has used forms of transformative techniques in order to educate and discipline with the aim of constructing harmonious/productive bodies. We can see these ideas' historical significance even in Mao. In his "On the Correct Handling of Contradictions Amongst People" speech in 1957, he stated:

> *To be able to carry on their production and studies effectively and to arrange their lives properly, the people want their government and those in charge of production and of cultural and educational organizations to issue appropriate orders of an obligatory nature. It is common sense that the maintenance of public order would be impossible without such administrative regulations. Administrative orders and the method of persuasion and education complement each other in resolving contradictions among the people. Even administrative regulations for the maintenance of public order must be accompanied by persuasion and education, for in many cases regulations alone will not work.* [10]

In the last four decades, China has undergone perhaps the greatest economic success story in human history. Hundreds of millions of people have been lifted from poverty into middle-class existence through economic and labor policy. Therefore, the choice of re-education camps, where at least a million Uyghurs are forced to adapt to Chinese state ideology makes more sense in historical context than institutions of systematic genocidal eradication. Chinese re-education camps are built by an ideology that believes that through discipline/punishment it can transform large groups of unproductive members of society into productive members, as it has been doing effectively especially after China entered the capitalist world economy in 1978. Moreover, these re-education camps concentrate on teaching Mandarin Chinese, the official language of the state. Re-education camps teach Uyghurs the official language and force them to use it even amongst themselves, in order to attach them to Chinese society and to distance them from their own culture.[11]

Chinese re-education camps attempt to transform Uyghurs through a complex strategy of cultural genocide that involves assimilatory policies, forced labor, and birth control. Chinese state ideology has projected a mixture of discipline and biopower on its population, including mass surveillance and family planning policies. Chinese state capitalism evolved around and through these powers and the establishment of Uyghur re-education camps stems from the same power projection of state apparatuses and autocratic-bureaucratic discipline. The future of human rights efforts to protect Uyghurs depends on a full understanding of the state ideology and narrative which attempts to normalize mass human rights violations. To conclude, re-education camps are one element of the intricate Chinese policy of forcefully transforming Uyghurs into obedient members of Chinese society. Understanding the biopolitical aspect of these brutal techniques is a vital element in shining light on the full scope of the cultural genocide that is happening in Xinjiang.

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7 Manoranjan Mohanty, '"Harmonious Society": Hu Jintao's Vision and the Chinese Party Congress', Economic and Political Weekly 47, no. 50 (2012): 12–16, https://www.jstor.org/stable/41720457.

8 Thomas Lemke, 'Foucault, Governmentality, and Critique', Rethinking Marxism 14, no. 3 (1 September 2002): 49–64, https://doi.org/10.1080/089356902101242288.

9 Ibid. 56

10 Mao Zedong, 'On the Correct Handling of Contradictions Among the People' (Eleventh Session of the Supreme State Conference, Beijing, 27 February 1957).

11 Rustem Shir, 'A Language under Attack: China's Campaign to Sever the Uighur Tongue', Hong Kong Free Press HKFP, 18 June 2019, https://hongkongfp.com/2019/06/18/language-attack-chinas-campaign-sever-uighur-tongue/.

Marilia Arantes

International Relations MA

Marilia Arantes writes about how precarious rule of law and State institutions drive the structural problem of enforced disappearances in Latin America. She states that this intersectional problem creates two castes: those susceptible and those not susceptible to disappearance.

2.

Lessons of Resistance from Those Who Went Away: Enforced Disappearances and Rule of Law in Latin America[1]

In November 2020, as a jury member at the Verzio Human Rights Documentary Film Festival, I missed the chance of awarding the documentary Vivos the best prize in its category.[2] But coming from Latin America and having witnessed first-hand this region's piercing violence, I felt the urge to write about Vivos. I begin this piece by presenting the film, created by Chinese artist and activist Ai Weiwei. I then expand my narrative to assess the compelling human rights issue behind Vivos: the case of enforced disappearances in Latin America. I argue that this film overflows its rural location to discuss the role of the State as a perpetrator of race-and-class-based violence. A legacy of the segregated societies of colonialism, oligarchies, and authoritarianism, enforced disappearances are today an open wound in Latin America.

Vivos depicts the pain and long-lasting struggle of the families of students from the Mexican town of Ayotzinapa, who disappeared in 2014. The artistic composition of the film highlights the colorful intimacy of Mexican families, balanced with the talking heads of those related to the missing students. Ai Weiwei allows them to recount their version of the Iguala mass kidnapping, in which 43 students forcibly disappeared during a trip to take part in protests in Mexico City.[3] After investigations, the 'historical truth' presented by the Mexican government established that corrupt police officers had handed the students to a drug cartel. However, international investigations have debunked this version, and until today any 'truth'—be it historical or not—remains untold.

In recalling this case, Vivos overflows the context of Iguala. This remarkably tragic case sheds light on a broader problem: the ascending numbers of enforced disappearances in Latin America. The region has the world's highest number of enforced disappearances, with seven countries on the top ten in the global ranking of disappearances.[4] Thus, far greater than the 43 missing in Ayotzinapa, a similar tragedy happens every day in Mexico and in all thirty-three States of the region.

For instance, Mexico registered 37 thousand disappearances in 2018, which resulted in only 1,300 open cases by the unit for disappeared people and zero convictions.[5] In 2019, the numbers kept increasing, leading to over 60 thousand disappearances.[6] In another striking example, Brazil, 80 thousand disappearances were documented in 2019—an average of 217 a day. Most of the victims of disappearances in Brazil were black, young, and poor. The intersectional race and class dimension of this problem reveals how, in addition to imposing a constant social state of fear, enforced disappearances involve the creation of two castes: those susceptible and those not susceptible to disappearance. Emblematic cases as that of Amarildo, a poor black favela resident who went missing in 2012, caused strong public commotion domestically and abroad. But the truth in Mexico, Brazil, and its neighbors re-

mains hidden (or ignored) by an unequal justice system, while the stories of hundreds of daily disappearances remain untold.

While structural inequalities are surely behind the high violence rates in the region, unraveling the meaning of 'enforced disappearances' reinforces its urgent dimension. For the United Nations Convention for the Protection of All Persons from Enforced Disappearance, enforced disappearance is

> *considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.*[7]

The second article of the convention highlights one vital dimension of this matter: the fact that the State and its agents are necessary to be the perpetrators of forced disappearances. In Latin America, you are always at risk of disappearance —and it is most likely that the State, in different degrees, will be responsible for that.[8]

The fact that a vast literature categorizes enforced disappearances as a systemic practice commonly found in dictatorial regimes, contrasted with the fact that most Latin American States are classified as democratic, shows how institutions are failing to promote the right to a life free from fear.[9] In *Vivos*, one of the interviewees elaborated on the deeper dimension of this issue: there is no rule of law if the police or military are not held responsible for their actions. Consequently, the solution for this problem requires more than finding the missing ones but strengthening mechanisms of accountability and democratic institutions.

As a film about those who stayed, Vivos narrates how, despite the pain, many find strength in the struggle for justice and against State-led disappearance structures. Still today, friends and relatives of the 43 of Ayotzinapa continue to protest under the plea 'They took them alive, alive we want them back.' Inevitably, it echoes movements in the region that date from the twentieth-century military regimes, such as the mothers of the Plaza de Mayo, in Argentina, who for forty years have fought for the truth about their missing children. Not only portraying grievance but celebrating resistance, Vivos reminds us that, after decades of so-called democracy, the rule of law in Latin America is still under construction. The case of Iguala, Amarildo and so many other anonymous stories remind us that the fight for truth and justice are undeniably the fundamental stones for democratic change.

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1 An earlier version of this work was published at OpenDemocracy under the title '"They took them alive. Alive we want them back': race, class and enforced disappearances in Latin America." Available at: https://www.opendemocracy.net/en/democraciaabierta/they-took-them-alive-race-class-enforced-disappareaces-latin-america/

2 VERZIO Film Festival, accessed April 18, 2021, https://www.verzio.org/en/2021/reverzio.

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5 "Enforced Disappearances in Hybrid States like Mexico Need Better Coverage in International Law | LSE Latin America and Caribbean," LSE Latin America and Caribbean blog, August 11, 2020. Accessed April 18, 2021 https://blogs.lse.ac.uk/latamcaribbean/2020/08/11/enforced-disappearances-in-hybrid-states-like-mexico-need-better-coverage-in-international-law/.

6 Ibid.

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8 OpenDemocracy, "If Young, You Are Forever at Risk of Forced Disappearance," accessed April 18, 2021, https://www.opendemocracy.net/en/democraciaabierta/young-people-in-mexico-forever-at-risk-of-forced-disappearance/.

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GLOBAL PROTESTS

FREE AHMED SAMIR

WE DEMAND IMMEDIATE RELEASE

Belgrade, Serbia

anonymously submitted

Protesters stand in an open square on a sunny day in Belgrade. At the front of the image is a woman's hand holding a red flag. Protesters with signs are visible, as is a man with a megaphone standing in front of them.

Berlin, Germany

taken by Tariq M. Suleiman

A group of protesters stand in front of a fountain and buildings. Each person holds a sign with a letter, and together they read: "FREE AHMED". There is a sign which has a message in Arabic and a teary eye.

Ghent, Belgium

taken by Fran Van Neerboom

A group of protesters; four people kneel in the foreground of the photo, while others stand in the back. There are a number of signs saying "FREE AHMED SAMIR", as well as a life-sized image of Ahmed standing among the crowd.

Sofia, Bulgaria

anonymously submitted

A group of protesters stand in front of the Egyptian embassy in Sofia. Each person holds a sign with a letter, and together they read: "FREE AHMED".

Tunis, Tunisia

anonymously submitted

Two protesters stand side by side in front of the steps of a building. They are both holding small signs that read "FREE AHMED SAMIR!" in three languages: Arabic, French, and English.

Vienna, Austria

taken by Yulia Kishchuk

Two protesters stand side by side on a street in Vienna. They are both holding small signs: one reads "#ahmedsamirsantawy #free_ahmed_samir" and the other reads "we demand immediate release". Next to them is a poster with a life-sized image of Ahmed; the poster is backwards, but translucent: the image of Ahmed is visible.

Follow the QR code provided to watch a short film made by student Tiphaine Trudelle. The interview-driven documentary focuses on the #FreeAhmedSamir movement and reflects on the power of student-led activism.

Belgrade

Berlin

Ghent

Sofia

Tunis

Vienna

Darselam Seid

Gender Studies MA

Darselam Seid explores the phenomenon of human trafficking from the perspective of trafficked Eritreans in the Sinai Peninsula and its parallels to modern-day slavery. She also interrogates the current legal frameworks in Eritrea that are supposed to protect its citizens from human trafficking but instead enable it through their failure to prosecute, defend, and prevent the tragic incident and its victims

3.

The commodification of the Human Body: Human trafficking in the Sinai Peninsula and the enabling legal frameworks of the Eritrean Government

The Eritrea Refugee Crisis and Human Trafficking in the Sinai Desert

Eritrea, a country located in the Horn of Africa, is among the world's largest per capita refugee-producing countries.[1] The main reasons why Eritreans flee their country and seek refugee status in the neighboring countries is the indefinite, universal, and compulsory national service.[2] According to the 1995 National Service Proclamation, all Eritrean nationals between the ages of eighteen and fifty are required to participate in eighteen months of military service and developmental work.[3] However, since its inception, the national service has been indefinite to this day for more than twenty six years. The indefinite nature, coupled with its slavery-like conditions and human rights violations, pushed many Eritreans to flee the country in droves.[4] The refugee camps in Sudan and Ethiopia have been the first destination and transit countries for the refugees to pursue the migration route via Libya to Europe or recently via the Sinai desert to Israel.[5] Both routes are a breeding ground for human traffickers that commit gross violations against Eritrean and other African migrants. Yet, the Sinai Peninsula route takes the human rights violations of trafficked persons to a new level through a new set of criminal practices that commodify the human body.[6] This article aims to shed light on the particularities of Human Trafficking in the Sinai Desert by drawing parallels with modern human slavery. It also investigates the legal frameworks of the victims' country of origin and their role in preventing the tragedy.

The Commodification of the Human Body in Sinai

Since 2009, a new trend of human trafficking that includes illegal organ harvesting by Bedouin human traffickers emerged in the Sinai Peninsula.[7] The tragedy often starts as a form of human smuggling in which migrants willingly reach smugglers to illegally cross the Eritrean border but get kidnapped on their way to refugee camps in Mai-Aini (Ethiopia) or Shagarab (Sudan) and forcibly taken to the Sinai Peninsula. Nevertheless, many refugees are deceived by human traffickers into believing they are smuggled into Europe, while they are purposely sold to Sinai traffickers instead.[8]

The Sinai trafficking is distinguishable from other more established forms of trafficking due to its unique four core elements.[9] These elements are:

- The involvement of officials in the smuggling, abduction, and trafficking during the route to or via Sinai:[10] According to the testimony of victims, traffickers have close partnerships with Egyptian and Sudanese security, military, and police forces.[11] Moreover, a report published by the UN revealed that senior Eritrean government officials are involved in human trafficking inside and outside Eritrea.[12]

- Captivity, torture, and extortion of victims: The victims are often shackled, tortured, face physical and mental abuse, and are forced to reach their families to gather a ransom ranging from 25,000 up to 60,000 US dollars.[13]
- The killing of the hostages: Victims reported to have been tortured for a prolonged time, starved, shot by a gun, burned, and to have witnessed organ extortion of fellow victims. They also noted that dead bodies are dumped in the Sinai Desert without a proper funeral.[14]
- The organization of the trafficking: After being brought to Sinai, the hostages are taken into warehouses, containers, farms, or torture camps to be tortured or sold to other traffickers.[15]

The systematic torture, the severity of human rights violations, and the mental, physical, and sexual abuses make Sinai trafficking a specific form of trafficking not usually observed before and draws a parallel to modern slavery.

The Eritrean legal framework and its role in combating human trafficking

Eritrean immigration legal notices and proclamations fail to address smuggling and human trafficking. The Legal Notice No. 24/1992 provides information and requirements regarding human and commodity movements.[16] This also includes information on the penalty for those who move in and out of Eritrea without the required documents. However, the proclamation does not refer to "human smuggling," not providing further regulations regarding human smuggling or penalty for convicted human smugglers. The note also neglects the punishment of the non-observance movement and smuggling of human beings.

Moreover, in the Transitional Penal Code of Eritrea, trafficking is addressed in chapter two, Article 605, as an offense against humanity. However, the article gives a provision only on women, children, the young, and those trafficked for sexual exploitation.[17] In this document, human trafficking is considered aggravated when the offender/trafficker pursues it as a global profession, but only for the sake of sexual exploitation. Other aggravated incidents mentioned are the use of fraud, violence, intimidation, or coercion when trafficked victims are driven to commit suicide out of shame, distress, or despair. The code acknowledges the transitional form of human trafficking yet fails to cover the current practice of Sinai trafficking of the hostage situation and torturing for ransom.

On the other hand, the Draft Penal Code describes human trafficking as a crime against humanity, providing a provisioned penalty and definition of human trafficking intertwined with enslavement, sexual exploitation, and abetting human trafficking. This partially fits with the current paradigm of Sinai human trafficking.[18] Moreover, the inclusion of the 'organized' human trafficking in the code as an aggravated offense can be considered the only difference from the transition penal code. Yet, as mentioned in Article 315 of the draft, an offense is considered aggravated when it includes only women and children for sexual exploitation.[19]

Eritrea's Government Failure of Responsibility

The Eritrean government did not take any steps to modify the existing colonial laws to prevent the crimes against its citizens in Sinai or persecute the perpetrators. Additionally, the government did not use existing statutes to prosecute cases of human trafficking and did not provide any assistance to victims of trafficking since the reported period.[20] The government also announced a program to identify children involved in the commercial network for sexual exploitation, but its status to date is unknown. The government also does not have a dedicated facility to rehabilitate trafficking victims and does not provide funding or other forms of support.[21] Furthermore, it made no efforts to prevent future episodes of human trafficking.

Conclusion

The trafficking of Eritreans via Sinai unfolded a myriad of tragedies that include physical, mental, and emotional torture of victims to collect ransom, forced labor, and organ extortion, as well as a commodification of human bodies that amount

to modern-day slavery. Unfortunately, Eritrea and other involved countries lack both judicial laws and strict enforcement to combat the current and future trends of human trafficking. Besides, the Eritrean government did not adopt a transparent and comprehensive national policy on human trafficking, which impedes its ability to integrate into international best practices of combating human trafficking. The necessity of international cooperation should not be overlooked, as issues like Sinai trafficking are cross-national and require a global engagement.

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14 Egyptian TV channel 25 in October 2011 interviewed Altyaha Bedouin tribe leader Sheik Mohammed Rashid. The leader revealed that a mass grave was discovered, 500 meters away from a notorious trafficker who was later chased away from his tribe's men. CNN 2011 documentary also revealed bodies scattered around the desert and dumped in secret caves with scars of torture and stitched after their organ harvested.

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17 Penal Code of Ethiopia 1957 (Eritrean Transitional Penal Code) [Ethiopia], Proclamation No. 158 of 1957, 23 July 1957, available at: https://www.refworld.org/docid/49216a0a2.html.

18 Article 297, "Enslavement and Abetting Traffic," Eritrean Penal Code, 2015 available at: https://www.refworld.org/pdfid/55a51ccc4.pdf

19 Article 315, "Traffic in Women, Infants, and Young Persons," Eritrean Penal Code, 2015 available at: https://www.refworld.org/pdfid/55a51ccc4.pdf; this article states anyone guilty of aggravated trafficking in women, infants, and young persons, a Class 6 serious offense, is punishable with a definite term of imprisonment

20 In 2009, 5 victims of Sinai human trafficking in the UK and one in Israel were identified. A report, entitled "The Human Trafficking Cycle: Sinai and Beyond," was presented to EU Home Affairs Commissioner Cecilia Malmström in the European Parliament on December 4, 2013. Moreover, in late 2013, the BBC reported a study by activist Ms. Meron Estefanos and Dutch educators from Tilburg University.

21 US Department of State. Trafficking in Persons Report. Washington DC. 2010.

Anna Lea A. Barron

Master of Laws in Human Rights

Lea analyzes the cause of the disturbing trend of the deaths in the legal profession in the Philippines, taking into consideration the human rights discourse and populism under the present government administration.

4.

The Spate of Silencing Advocates of the Law: Rights Protection (or not) in the Philippines

On November 6, 2018, Attorney (Atty.) Benjamin Ramos, an advocate for peasants, was shot four times at close range by unidentified assailants in Negros Occidental, Philippines. Ramos was known in the local community for providing free legal assistance to sugarcane workers, activists, and suspected drug personalities.[1] During broad daylight on February 15, 2017, Atty. Mia Mascariñas-Green was driving her children in Bohol when she was fired upon more than twenty times.[2] Green was known as a lawyer focused on environmental, women's, and children's rights.[3] At 3:00 in the afternoon of May 9, 2019, Judge Reymar Lacaya was shot outside the courtroom in Mindanao. He was pronounced dead after sustaining gunshot wounds on his head and body.[4] These are just some of the names of the 110 legal practitioners killed from 1977 to 2021. The present administration headed by President Rodrigo Duterte alarmingly accounts for 61 out of the 110 deaths of legal professionals, a number greater than the deaths that occurred in the three decades preceding Duterte's governance.[5] Also in April 2019, the human rights group National Union of People's Lawyers (NUPL) sought protection before the Philippine Supreme Court because of harassment and threats by the military after they were "red-tagged" or were linked to communist parties.[6] Red-tagging or red-baiting has been defined as the act of publicly classifying groups and individuals critical of the government as enemies of the state or having links with communist organizations.[7] In this case, red-tagging NUPL consequently produces an imminent or grave threat to its lawyer members. What enabled an environment where lawyers are being threatened and killed extrajudicially?

In examining the rise of violence committed against legal professionals, it is prudent to scrutinize the political environment that led to the drastic rise of threats and deaths of lawyers and judges. Specifically, this article wants to highlight Duterte's populist rise to power. During the 2016 presidential campaign in the Philippines, Rodrigo Duterte emerged as a 'dark horse' because of how he marketed himself. Contrary to the candidates who came from political families, Duterte heralded himself as a representative of the masses with a penchant for strong-arming the law. His campaign slogans included "Change is Coming" and "*Tapang at Malasakit*", which loosely translates to bravery and concern. His 'fresh' attitude during the campaign appealed to 'ordinary' citizens who were tired of traditional politicians making the same campaign promises over the years. Duterte's strategy proved successful: 16 million Filipinos voted him into the highest post of the land, as the President or the Chief Executive. Some, however, expressed concerns over his previous negative human rights record as the mayor of Davao City, in the southern Philippine Island of Mindanao.

In his first address to the nation, Duterte promised the Filipino people that "the rule of law shall at all times prevail" while also declaring a "war on

drugs."[8] Since then, Duterte consistently denounced human rights groups, accusing them of supposedly "weaponiz[ing]" human rights[9] and even ordered the shooting of human rights advocates, all in the name of his crusade against drugs.[10] At the beginning of his term, there were rampant extrajudicial killings in the streets of the Philippines, especially targeting people merely suspected of being involved with illegal drugs. According to the Philippine Drug Enforcement Agency (PDEA), 4,948 suspected drug users and dealers died during police operations from July 1, 2016 to September 30, 2018. However, this does not include the thousands of others killed by unidentified gunmen, which according to the Philippine National Police (PNP), amounted to 22,983.[11] As seen later on though, extrajudicial killings were not confined only to those suspected of drug activities; judges and lawyers are now threatened with extrajudicial killings.

What do these extrajudicial killings mean for the rule of law?

Rule of law as a governance principle includes accountability to the law by all persons and governmental institutions, requiring a framework of adherence to the law and restriction of arbitrary exercise of power.[12] It is undeniable that lawyers and judges have pivotal roles in safeguarding and upholding the law. In the words of Judge Sanji Monageng of the International Criminal Court, "lawyers [and judges] [are] guardians of the rule of law."[13] They are guided by the Code of Professional Responsibility in terms of relations to their clients, the courts, and society. As such, they may take up causes that may be unpopular to the present government, namely defending suspected drug users, activists, and human rights issues, among others. However, the problem arises when the legal profession suffers an attack such as that described above. The question is how the political environment and the government, beyond the scope of the Duterte administration, is responding to such a crisis.

In response to NUPL's petition before the Supreme Court, the Philippine Government's representation discredited NUPL's claims of harassment and threats as "more imagined than real, and exaggerated to create the ghost of a cause of action."[14] In an extraordinary action, the Supreme Court recently issued a stark condemnation of the killings and threats to legal practitioners in the Philippines. Recognizing the essential role of lawyers and judges in ensuring access to justice, the Court declared that these incidents constitute an "assault on the Judiciary."[15]

Indeed, once the rule of law has been undermined by the express orders and the nonfeasance of the President himself, extrajudicial killings shall not only be confined to those suspected of criminal activities. These inhumane acts of killing with impunity spill over to the defenders of the rule of law. Unless Duterte recognizes rule of law in addressing the culture of impunity that abetted or resulted in human rights abuses, democratic institutions shall be degraded and there will be continuous violations of civil liberties. This includes freedom of expression, rights of the accused, and even the right to life of the advocates of the law. As of now, the domino effect of extrajudicial killings is extending to human rights activists, who are merely exercising their right to freedom of expression.[16]

In conclusion, populism and illiberalism contributed to the rise of threats of violence and even murder of legal practitioners in the Philippines. Until the government recognizes the importance of human rights and develops a stronger legal framework of protection, advocates of the law will be left unprotected. The lack of lawyers and judges in and out of the courtroom will entail little or no legal representation for indigent and marginalized groups, delay in the resolution of cases before the court, prejudice to the rights of the accused, and more. However, lawyers are not the only ones burdened with advocating for the law; ordinary citizens likewise play an important role in safeguarding and recognizing the rule of law and human rights. Concomitantly, it remains for everyone to be vigilant of the importance of the rule of law and the role of actors and democratic institutions so that voices will be heard, whether in the courtroom, in the streets, or in unison, instead of being silenced.

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Tashmia Sabera

LLM Human Rights

Tashmia Sabera explores the impact of a speech repressive legislation called "the Digital Security Act 2018" on the political cartoons of Bangladesh.

5.

The Unsettled Fate of Political Cartoons in Bangladesh

Uncontroversial acts of expression generally do not need protection. The purpose of freedom of expression, therefore, is to extend the coverage of legal protection to unpopular and unorthodox views. Views can be expressed in different manners; ridicule is a form of expression of opinions which can be particularly controversial. The right to ridicule is generally exercised by creating political cartoons, caricatures, satires, and so on. These practices further individual autonomy by protecting freedom of artistic expression, nurturing the democratic process, and thereby providing legitimacy to laws enacted through that process.[1] Therefore, every democratic state committed to freedom of expression should let the right to ridicule flourish.

Bangladesh has constitutional and human rights commitments to protect freedom of expression. The Constitution recognizes freedom of expression, subject to reasonable restrictions provided by law.[2] Although the list of restrictive grounds mentioned in the constitution is often regarded as excessive, the reasonableness test of the speech limitation can function as a safeguard against its abuse. Moreover, Bangladesh has a human rights obligation to protect freedom of artistic expression and freedom of expression; it has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) and International Covenant on Civil and Political Rights (ICCPR), in 1998 and 2000, respectively.[3] Therefore, the standards of protection of artistic expression and free expression as found in Article 15 of ICESCR and Article 19 of the ICCPR are applicable to Bangladesh.

Political cartoons can be defined as "artistic vehicle characterized by both metaphorical and satirical language."[4] Political cartoons are a form of artistic expression; as such, they are covered by freedom of expression and freedom of artistic expression. Parallel to this protection, the restrictions applicable to free speech are also applicable to political cartoons. Thus, the Digital Security Act 2018, a controversial law which is seen as a gag on free speech in Bangladesh, applies to political cartoons too. This draconian piece of legislation imposes content-based restrictions by criminalizing expressions that go against the spirit of liberation war or challenge religious views. Moreover, such criminalization violates the comparative constitutional law standard of viewpoint neutrality as recognized in *R.A.V. v City of St. Paul*.[5]

Against this backdrop, despite constitutional and human rights guarantees to free expression, the freedom to publish political cartoons is gradually diminishing in Bangladesh.[6] The number of political cartoons in the national dailies has reduced to less than half of what used to be published in previous years. Some cartoonists believe the lack of drawing skill and sense of humor is mainly responsible for such a reduction in the rate of publication. However, others view that a diminished

political tolerance for dissent, lack of understanding of cartoons among the newcomer politicians, and the culture of intolerance each play a role in shrinking the space of political cartoons in the daily newspapers. Some cartoonists also remarked that cartoons can still be drawn within a limit of self-censorship.[7]

However, self-censorship defeats the purpose of political cartoons. As Ronald Dworkin remarks, "Ridicule is a distinct kind of expression: its substance cannot be repackaged in a less offensive rhetorical form without expressing something very different from what was intended."[8] The increasing intolerance towards political cartoons in Bangladesh shows how this vital right of ridiculing is being silently buried in the name of free speech regulation. The circular of the government prohibiting criticism of *important people* by way of posting, uploading, liking, sharing, or commenting on social media during COVID 19 lockdown of 2020 further damaged the fate of political cartoons in Bangladesh.[9]

The case against Cartoonist Ahmed Kabir Kishore under the DSA 2018 is a vivid example of the issue at hand. Kishore was arrested, jailed and tortured in police custody after drawing cartoons criticizing government actions in managing the Covid-19 crisis in Bangladesh.[10] Later, Kishore shared in an interview that law enforcement agencies were not satisfied with his non-political explanation of the cartoon and continued to torture him, accusing him of drawing a cartoon of the prime minister. This story explains how the political cartoon is treated in contemporary Bangladesh. Writer Mushtaq Ahmed, who was arrested for sharing Kishore's cartoons on social media, was denied bail six times and subsequently died in jail after almost a year into his sentence. Notably, the disproportionate criminal justice procedure introduced by the DSA 2018 backed this arbitrariness.[11] Kishore was later released on bail, after a mass protest which called for the repeal of the DSA and for his release.[12] The chilling effect of this gagging culture is arguably the reason behind the gradual decrease of the political cartoons in Bangladesh.

Kishore's cartoon on the impact of COVID-19 related lockdown on the poor people of the society. On the left, a politician shouts with his mask pulled down, finget pointed at the viewer, and holding a broom. On the right, an unemployed day laborer lays inside a straw basket (home office) browsing on a laptop. Source: globalvoices.org

Despite sharing similar traits in the free speech provision of the Constitution, the Madras High Court of India recognized the right to ridicule as a basic right.[13] Ironically, political cartoons, among other art forms, played a significant role in motivating the liberation war and anti-autocratic movement in this country. However, in none of those undemocratic regimes did the cartoonists have to face such grueling consequences as they face now. This makes the fate of political cartoons in Bangladesh alarming.

A political cartoon of the two main political leaders of Bangladesh. Such cartoons were customary in the national newspapers until the recent swerve of intolerance. Pictured are two women pushing against one another, each backed by a crowd of people. In the middle sits a judge, who shouts "talk!". Source: The Daily Star; artist unspecified

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7 Ibid.

8 Ibid., 1.

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İdil Yatkın

Second year MA in IR

İdil explores the Turkish government's ambiguous policies concerning gender-based violence in the face of rising numbers of femicides in the country. She argues that the decision to withdraw from the Convention has created a divisive and hostile political environment, and that the government's efforts to counterbalance the public outcry to the withdrawal decision does not promise a viable solution to tackle gender-based violence including violence against women.

6.

Violence against Women: Turkey's ambiguous road from hosting the Istanbul Convention to its withdrawal

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, or commonly referred to as the Istanbul Convention, is an international human rights treaty signed in 2011 which aims to prevent gender-based violence, protect victims of violence, and punish perpetrators.[1] The convention provides a broad legal framework with comprehensive measures to tackle all forms of gender-based violence. It requires states to criminalize and prosecute violence against women, including domestic violence, stalking, sexual harassment, and psychological violence. The Convention is also an important contribution to international efforts to tackle violence against women. Article 2 of the 1993 United Nations Declaration on the Elimination of Violence against Women already included physical, psychological and sexual violence in the broad spectrum of violence against women, however, economic violence was first addressed in Article 3 of the Istanbul Convention, and later on, in CEDAW[2] General Recommendations.[3] Moreover, the Istanbul Convention obliges states to legislate against serious offenses such as genital mutilation, forced marriage, stalking, forced abortion, and forced sterilization. The convention is also the first international document to include a definition of gender, and it recognizes violence against women as a violation of human rights, thus holding states accountable in case of non-compliance.

Turkey became the first state to sign and ratify the Convention under the rule of President Erdoğan and his Justice and Development Party (AKP).[4] All four parties in the parliament[5] voted in favor of the convention on the 24th of November 2011, and the convention was entered into force in 2014.[6] The main objective of the convention is to prevent gender-based violence and investigate allegations regardless of sexual orientations of victims, including domestic violence against women. However, several articles of the Convention have been recently criticized by the more conservative supporters of the ruling party. Criticisms ultimately led to the Turkey Thinking Platform, an Islamist think tank, urging President Erdoğan to withdraw from the Convention in a formal report. One of the most prominent arguments is that the Convention is a Western ideological tool to weaken the institution of family by encouraging divorces and targeting family space where violence occurs.[7] Another outspoken conviction among opponents of the Convention is that it promotes the elimination of religious, social, and cultural codes by promoting extramarital relationships and LGBTQ rights. Conservative interpretations of the Convention stress that the concept of gender is an ideological tool to undermine the non-Western modes of living through imposing a hegemonic feminist and LGBTQ-friendly view on gender. Therefore, they argue that the Convention sneakily uses human rights language to destroy traditional modes of being and living.[8] Opponents to the Convention also argue that the Convention reduces causal factors contributing to violent behaviors merely to

the existence of gender roles within the society, and disregard other important aspects such as psychiatric disorders and the problematic consumption of alcohol and other drugs.[9] Later, on March 20th, 2021, President Erdoğan issued a presidential decree announcing Turkey's withdrawal from the Istanbul Convention. The motivation behind the withdrawal decision remains unclear. However, any additional reforms to address non-discriminative and non-divisive concerns, such as creating a broader framework for defining and tackling violence, could have been done without withdrawing from the Istanbul Convention. As 4 femicides were committed on the same day aftermath of the withdrawal decision, public anger rose even more against the president's decision to withdraw.[10] Increasing numbers of femicides and cruelty cases resulting in a public outcry, protestors on the street repeated once more; "we do not have endurance for losing one more woman anymore". [11]

According to the Kadın Cinayetlerini Durduracağız Platformu [We Will Stop Femicide Platform] 2020 report, the extent of gender-based violence and femicides in the country is terrifying. There were 171 equivocal female deaths potentially related to partner violence and 300 femicides committed mostly by the victim's close relatives or partners.[12] In some cases, perpetrators receive remissions of sentence and non-deterrent punishments for committing gender-based violence. In other cases, even though victims have consistently reported violence, perpetrators were neither arrested nor given restraining orders.[13]

Rightfully, the presidential decree set off an unprecedented level of reaction from the public, human rights activists, and politicians. According to the BBC, even female parliamentarians from the ruling party criticized more conservative supporters for creating misperceptions of the Convention and distorting the Articles.[14] Canan Kalsın, a female parliamentarian from AKP, also openly rejected the notion that the Convention undermined family institutions, arguing that, "when a party gives up on respect and love and appeals to violence; we cannot talk about a family anymore."[15]

To counterbalance the backlash, politicians from the ruling party announced they would deal with violence against women through judicial reform and the so-called Ankara Convention, which is still being drafted. This new convention would supposedly respect Turkish "traditions and customs".[16] Vice-chairperson of the ruling party Fatma Betül Sayan Kaya stated that with the rising political quarrels around the Istanbul Convention, "it is a must now to prepare an alternative convention".[17] According to the statements by the ruling party, the main difference between the two conventions would be that the Ankara Convention will merely focus on violence against women, leaving out the concept of gender-based violence. On the other hand, the Istanbul Convention neither attacks the family institution nor non-violent traditional values. If the only motivation behind the withdrawal decision and the Ankara Convention was to prevent domestic violence against women without harming trust in the family institution, trust-building would have been secured by implementing mechanisms for eliminating domestic violence. Considering the ruling party's immediate statements and responses to the public outcry, the motivation behind the Ankara Convention remains ambiguous and problematic. Firstly, considering the dramatic rise in the numbers of femicides since 2011, the Ankara Convention would be quite an overdue measure.[18] Thus, it raises questions regarding the political motivations behind the Ankara Convention, such as whether it was only introduced in response to the public outcry from the withdrawal from Istanbul Convention. Therefore, the motivation behind its introduction could simply be face-saving for the AKP government, not a concern for violence against women. Secondly, excluding the LGBTQ community and women who do not conform to the conventional family structures from the protection framework of the Istanbul Convention will remain a divisive policy decision and normalize, if not encourage, violence against the LGBTQ community.

The current government's arbitrary gender policies weaken efforts to fight against gender-based violence with sound policy. The Women's and Democracy Association, a civil society organization engaged in advocacy for women's rights and founded

by Sümeyye Erdoğan Bayraktar--the daughter of president Erdoğan--stated that "the Istanbul Convention was an important achievement for the fight against violence against women, however, recently, it was put at the center of societal tensions".[19] Thus, the decision to withdraw from the Convention created a divisive and hostile political environment in which violence is politicized among ideological lines, instead of fostering unity in the efforts to prevent violence against women. The extreme conservative camp utilizes the Convention to attack the lifestyles of people from the non-conservative camp. They argued the ratification of the Istanbul Convention prepared the ground for "deviant forms of lifestyles", such as extramarital affairs, same-sex partnerships, and so on.[20] The decision also hurt the opposition's trust in the government, tarnished the country's international image/reputation, and tacitly encouraged acts of violence by creating an ambiguous stance against gender-based violence, including violence against women.

Therefore, the decision created a hostile political environment rather than a unified front to denounce violence, and the Ankara Convention does not promise a viable alternative, either. Instead, it is better understood as a politically motivated face-saving project which does not recognize the importance of preventing gender-based violence, and remains discriminative to groups who are not conforming to the conservative ways of living.

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3 Mona Lena Krook, "A Continuum of Violence," in Violence against Women in Politics (New York, the US: Oxford University Press, 2020), pp. 115-123, https://doi.org/10.1093/oso/9780190088460.003.0011, 122.

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Cover photo: Covid19 deeply affected the youth climate movement. Protests moved to the digital world in the spring of 2020 and only returned to the streets at the beginning of summer. This photo shows Amina, who is also visible in the first photograph, at a protest wearing a face mask.

Fridays for Future: 2019-2020

perspectives from a photographer in the movement
photos by Franziska Marhold

During the summer of 2020, the climate strike movement made its comeback and has been continuing their protests.

Ever since the beginning of climate strikes, there has been a huge emphasis on spreading awareness and listening to the science. This also meant that workshops and lectures were organised for climate strikers by climate strikers to get informed about the latest climate science. Here, a professor gives a lecture to a group of organisers about different emission reduction pathways.

Some of the largest demonstrations took place in the summer of 2019. This photo shows one in Lausanne, Switzerland in August. Thousands of people gathered to demand climate justice.

As the weather got colder, climate strikes continued. This photo shows one in Vienna taking place during the OPEC conference in December of 2019.

This photo shows one of the earliest strikes, taking place in Vienna in the spring of 2019, demanding that the government declare a climate emergency. It was around this time that the movement was getting more attention and was growing in numbers. The government did end up declaring one in September of 2019 but failed to act accordingly ever since.

Fast forward to August 2019: A summit of all youth climate strike organisations in Europe, taking place in Lausanne, Switzerland. It was here that the movement first agreed on core values and goals and started to organise itself internationally.

Claudia Zygmunt

LLM Human Rights

Claudia Zygmunt examines the consequences of and responses to last year's Constitutional Tribunal judgment, which further restricted already narrow abortion laws in Poland, and assesses chances of potential claims before the ECHR in the light of its well-established case law.

7.

How pro-life is pro-life? The near-total abortion ban in Poland.

The judgment of the Polish Constitutional Tribunal of 22 October 2020 introduced the near-total abortion ban in Poland, restricting already one of the most rigorous abortion laws in Europe.[1] Both the ruling and its timing, published in the middle of pandemic, drew strong public condemnation and resulted in several weeks of mass protests across the country, with participants facing often brutal police responses. While the lawfulness of the judgment falls beyond the scope of this article, it should be emphasized that recent judicial reform renders the Tribunal's legitimacy and independence as questionable.[2] In *Xero Flor v. Poland*, the ECHR ruled that the Polish Constitutional Tribunal's composition with the unlawfully appointed *double judge* cannot be considered as a *tribunal established by law*,[3] which is a violation of *Article 6* (right to a fair trial).

This same Tribunal is soon expected to rule on the constitutionality of the Istanbul Convention following the authorities' announcement of their intention to withdraw from the treaty, a move which may further undermine women's rights in Poland and expose the Polish judiciary to further international criticism.

The broken compromise

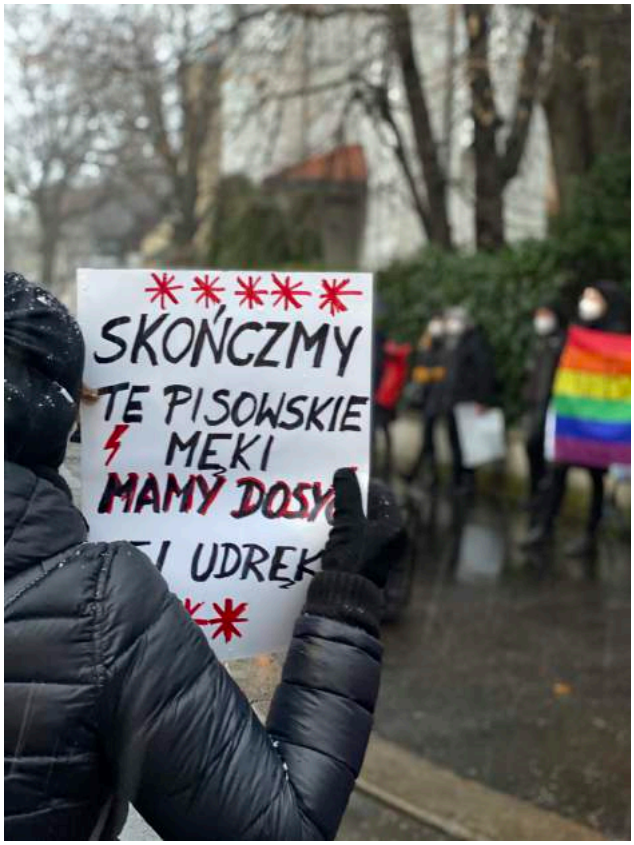
The recent judgment broke the so-called abortion compromise from 1993, which represents the price Polish women paid for the transformation from communism to democracy. The compromise, struck between the then-ruling left-wing government and the Catholic Church, provided for three exceptions. Abortion was allowed if 1) pregnancy poses a threat to the life or health of the pregnant woman; 2) there was a high probability of a serious and irreversible impairment of the fetus, or an incurable life-threatening illness; or 3) if pregnancy is a result of prohibited acts, such as rape.[4]

It should be emphasized that women in Poland are not subjected to a criminal liability for illegal abortions. However, anyone who carries out the termination, assists a pregnant woman in terminating her pregnancy, or persuades her to do so, is subjected to criminal liability, punishable by up to 3 years imprisonment. In effectively criminalizing medical practitioners or organizations who offer such procedures, it is estimated that Polish women access anywhere between 80,000 to 200,000 clandestine abortions each year, in neighboring countries or domestically by unsafe and unregulated means.[5]

In the recent judgment, the Constitutional Tribunal further narrowed down the abortion law, declaring the exception allowing abortion for embryo-pathological reasons as unconstitutional due to its inconsistency with Article 38 of the Constitution, which obliges the authorities to "*ensure legal protection of life for every human being*". The Tribunal assigned to the indicated provision an interpretation granting legal protection of life in the prenatal phase, potentially opening the door for abortion in

case of rape to be declared unconstitutional.[7] As noted in one of two dissenting opinions, the Tribunal's scrutiny was "blatantly one-sided", as the Tribunal marginalized examination of the rights and freedoms of women when conducting the balancing test.[8] Abortions for embryo-pathological reasons in 2019 consisted of 97% of all 1,110 legal abortions performed in Poland that year.[9] The anti-choice representatives together with the Catholic Church argued that the main reason for such abortions was Down Syndrome, which is not considered as a life-threatening illness.[10]

According to the Constitution, the Tribunal's judgments enter into force upon their publication in the Journal of Laws. Despite the constitutional obligation, the Prime Minister delayed the publication for over three months due to the mass protests. During this period, almost 40% of hospitals in Poland declared that it is impossible to perform an abortion for embryo-pathological reasons[11] - despite the fact that the judgment has not yet come into power. The legal uncertainty and a threat of serious criminal and professional sanctions had a significant *chilling effect* on doctors and hospital authorities, which resulted in several canceled procedures.



It can be also observed that the judgment has a negative impact on the number of ordered prenatal genetic tests that could diagnose severe fetal defects and potentially lead to a termination.

The radical scope of the judgment means that women are forced to maintain pregnancy, even in case of intrauterine fetal death, unless it poses a risk for the woman's health or life. Exposing a woman in an already vulnerable position to additional trauma related to the delivery of a stillborn child cannot be justified by any moral or religious arguments raised by anti-choice activists and politicians. Nevertheless, to this day, the Parliament has not taken any measures to mitigate the rigor of the judgment.

The Strasburg Court's take on abortion

The ECHR has already examined several abortion cases against Poland, finding violations of Article 3 (prohibition of inhuman and degrading treatment) and Article 8 (right to respect for private and family life) of the Convention. Nevertheless, in all past cases on reproductive rights, violations have been found only if, under the given circumstances, domestic law allowed for abortion, but the State failed to provide it. The cases in which the applicants claimed that their rights have been violated because of a lack of legal access to abortion in their domestic systems have been dismissed.[12] It is a consequence of the landmark decision in A, B and C v. Ireland, when the Court stated that Article 8 does not confer a right to abortion and the Contracting States enjoy a certain margin of appreciation when deciding on the circumstances under which abortion may be permitted under national law.[13] Moreover, when deciding the abortion cases, the Court choses to consider the lack of European consensus on determining the beginning of human life, rather than the consensus existing in vast majority of the Contracting States on legal access to abortion.

A protester holding a sign that reads "Skończmy te pisowskie męki, mamy dosyć tej udręki" (let's end the PiS [ruling party] misery, we have enough of this torment). In the background, another protester holding a rainbow LGBT flag is visible. Photo by author.

These arguments allow us to assume that eventual claims under Article 8 of the Convention raised against Poland based merely on access to abortion for embryo-pathological reasons may be dismissed. A better prospect of success might have claims raised under Article 3, especially in cases of the intrauterine fetal death described above, or under Article 6 should the Tribunal's independence be disputed.

During my first year of law school, I was told that for the next decades no government would dare breach the *abortion compromise*, an issue that would divide society in two. The current ruling party dared and succeed in both: restricting the abortion law and polarizing the society. Despite the doubts as to the legality of the judgment, the decision of the Constitutional Tribunal came into force and removed the embryo-pathological premise from the legal system. It is argued that women are forced into *heroism* by caring for a terminally ill or seriously disabled child against their will, with little support from the state.

In addition, the new legal status forces women to maintain pregnancy even in the event of a death of the fetus, a situation considered cruel even by some members of the ruling party. Importantly, under Polish law, the Parliament may restore the abortion compromise despite the recent judgment, but this remains unlikely under the conservative Law and Justice party.

However, the ruling carried unexpected consequences. The decision sparked the largest feminist movement in modern Poland, with more and more frequent demands of abortion access on par with other European countries. Moreover, the ruling party's homophobic and transphobic attacks on the LGBT+ community made its members more visible and vocal than ever before. Previously, women's right to choose and the LGBT+ rights were taboo in public discourse. Consequently, even if legislative change must wait for a different government, what is already taking place in Poland is a change of minds.

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1 Among the EU Member States, only Poland and Malta do not allow for abortion on request or on broad social grounds. See: Center for Reproductive Rights, "European Abortion Laws: A Comparative Overview, 2021," accessed May 02, 2021. https://reproductiverights.org/sites/default/files/documents/European%20abortion%20law%20a%20comparative%20review.pdf.

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4 Article 4a, of the Act of 7 January 1993 on family planning, protection of the human fetus and the conditions for the admissibility of termination of pregnancy.

5 Federacja na rzecz Kobiet i Planowania Rodziny, Report 2013 – 20 lat tzw. ustawy antyaborcyjnej, pp. 13.

6 Article 38 of the Constitution of the Republic of Poland.

7 Constitutional Tribunal, Judgment of 22 October 2020, Application No. K 1/20, para 155.

8 Ibid, Dissenting opinion, P. Pszczółkowski, para 558.

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Merve Kılıç

LLM in Human Rights

Merve Kılıç analyses the New Pact on Migration and Asylum of the EU to present how the EU's asylum law and policy is in conflict with human rights they claim to respect.

8.

The New Pact: The EU's Asylum Law and Policy versus Human Rights

In September 2020, the European Commission published its New Pact on Migration and Asylum.[1] The New Pact aims to solve the deficiencies of the EU asylum regime by protecting Member States who avoid taking responsibility for processing asylum applications.[2] With this New Pact, the EU shows its standing is the same as that of its Member States who consider the situation with asylum seekers as a security-focused rather than humanitarian crisis.[3]

Overall, the EU focuses on stronger control of its borders, not stronger protection mechanisms for asylum seekers. In light of this standing, the Commission provided alternatives to the Member States rather than imposing sanctions on them for failing to fulfill their responsibilities.[4] The Dublin Regulation,the previous EU asylum system, stipulated that the country of first arrival is responsible for processing asylum applications.[5] This shows that border countries are responsible for processing the massive amount of asylum applications, which contradicts the solidarity and fair sharing of responsibility stipulated under the TFEU. However, blaming the Dublin system for everything and protecting the Member States raises many questions considering the EU's tarnished reputation, following their handling of the 2015 refugee crisis, which continues to be felt in the Union today.[6] In this context, this paper will briefly analyze what the New Pact actually brings to the table for human rights.

Relocation elements in the New Pact

The relocation mechanism was built in the EU asylum area to reflect solidarity and the sharing of responsibilities between Member States, especially for alleviating the pressure on the border countries.[7] However, the lack of solidarity between EU Member States forced the Commission to propose the New Pact, which involves flexible responsibility-sharing that carries alternatives.[8] In sum, there will be two responsibility-sharing options for the Member States: the first remains as relocation, while the second option will be the sponsorship for returns.[9]

Since most of the Member States are unwilling to relocate the asylum seekers within their territories, it is frightening to consider the second option, since it views asylum seekers as little more than a financial burden on Member States. Most importantly, if the Member States fail to sponsor their returns within eight months, they must relocate the asylum seeker within their territories as a *punishment*.[10] So, where is the human rights perspective the EU always claims to value? All the New Pact reflects is the focus on returning asylum seekers rather than protecting human beings.

Comparison with Dublin

The main reason behind the proposal of the New Pact is the Member States' non-compliance with the EU asylum policy and legal framework, especially regarding the solidarity on relocating asylum seekers.

Activists stand in front of a building in Vienna which was temporarily squatted on 26 April 2021 to draw attention to Austria's deportation of asylum seekers from Afghanistan. Signs hanging from the balconies and windows of the building. Signs read "refugees welcome", "Ob geflüchtet oder wohnungslos, wir haben platz die Stadt ist groß!" (whether refugee or homeless, we have space, the city is big!), and "#GudtBleibt!" (#GudiStays). Photo by author.

However, as Petroni stated, the changes can be seen as simply "old wine in new bottles"[11] since only the names changed, from Dublin to the Asylum and Migration Management Regulation.[12] The EU itself admits that the Dublin system does not work,[13] but it has yet to provide any sufficient solution regarding its inefficiency. This means we will continue to watch border countries fail to *care* for asylum seekers since they will still have to bear the brunt of the responsibility, just as it was under the Dublin Regulations.

The fairness of the New Pact

Not long before the publication of the New Pact, in April 2020, the Court of Justice of the European Union found that in the joint cases of the *Commission v. Poland, Hungary, and the Czech Republic*, all three EU Member States had failed to fulfill their relocation obligations, citing security grounds as justification of their non-compliance.[14] The Court highlighted the importance of the principles of sincere cooperation, of solidarity, and the fair sharing of responsibilities; underlining that the responsibility of managing asylum requests should be divided between every Member State.[15] This would have been a good opportunity to build a more substantial and effective solidarity mechanism, but the Commission missed this opportunity by introducing the New Pact.[16]

The New Pact signifies the EU's awareness of its deficiencies as well as its willingness to ignore and deprioritize the vulnerability of asylum seekers. In doing so, the EU seeks to protect itself and Member States. In allowing a system of sponsorship, it mainly favors the rich Member States, who can buy their way out of their obligations. Since asylum seekers mainly arrive through border Member States along the Mediterranean, other Member States can easily abdicate their responsibilities when they are unwilling to relocate their portion of asylum seekers.

In sum, the disputes among the Member States have risen, along with a lack of cooperation that has grown within the EU. As certain Member States started to fail in fulfilling their responsibilities, the Commission found a monetary method to mitigate those problems so as to protect Member States as opposed to protecting the vulnerable individuals that wait at the borders or in camps.

Solidarity vs. Externalization

Although solidarity is the key word when we talk about the EU asylum policy framework, the policy focus has actually been on relations with third countries to ensure border protection, for example the 2016 EU-Turkey statement.[17] The EU asylum policy framework can be seen more as solidarity with the border countries rather than solidarity between Member States and fair sharing of responsibility.

This unsustainable and inhuman way of dealing with migration flow, "the externalization" of

responsibility, also took its place in the New Pact as protecting Member States by engaging new relationships with the Western Balkan countries, just as the EU did before with Turkey.[18] However, throwing money at every problem—as evidenced by the last year[19]—is not a long-term solution, especially for the border Member States.[20]

Conclusion

It is almost impossible to satisfy every single Member State, but it is always possible to abide by human rights and care for the vulnerable. If the New Pact had focused on human rights rather than the wishes of the Member States, it would have been a success. However, all it considers is repatriation and deportation rather than relocation. How relocation received secondary importance is a great summary of how the EU's standing on asylum seekers stays far away from human rights. The EU wanted to pacify the Member States, whose intention it was to neglect their responsibility to asylum seekers. It is not possible to agree with Home Affairs Commissioner Ylva Johansson's claim that "No one will be satisfied", since Poland, Hungary, the Czech Republic and other Member States that were against relocation are satisfied with the New Pact for all the wrong reasons.

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2 Nadia Petroni, "The EU's Pact on Migration and Asylum will do little to ease the pressure on southern member states," EUROPP, January 6, 2021. https://blogs.lse.ac.uk/europpblog/2021/01/06/the-eus-pact-on-migration-and-asylum-will-do-little-to-ease-the-pressure-on-southern-member-states/; see also: Alberto Tagliapietra, "The EU's Unbalanced New Pact on Migration and Asylum," GMF, November 24, 2020. https://www.gmfus.org/blog/2020/11/24/eus-unbalanced-new-pact-migration-and-asylum

3 Tagliapietra.

4 Ibid.

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6 Due to the EU's asylum policy during the period of 2015-2019, the number of applications for asylum had a major drop. For more information, please visit: Eurostat, "Asylum statistics - Statistics Explained," March 16, 2021. https://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics#Number_of_asylum_applicants:_increase_in_2019; Ramona Bloj and Stefanie Buzmaniuk, "Understanding the new pact on migration and asylum," European Issue n°577, November 16, 2020. https://www.robert-schuman.eu/en/european-issues/0577-understanding-the-new-pact-on-migration-and-asylum; Donatienne Ruy and Erol Yayboke, "Deciphering the European Union's New Pact on Migration and Asylum," CSIS, September 29, 2020. https://www.csis.org/analysis/deciphering-european-unions-new-pact-migration-and-asylum

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9 The European Commission, p. 77; Bloj and Buzmaniuk; Ruy and Yayboke.

10 Bloj and Buzmaniuk.

11 Petroni.

12 Ibid.

13 The European Commission, p. 69.

14 Tagliapietra, A.

15 Ibid.

16 Ibid.

17 Ruy and Yayboke; Tagliapietra.

18 Tagliapietra.

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20 Ruy and Yayboke.

Ariel Bineth

PhD in Sociology

Ariel Bineth considers why the European Union fails to implement the human right to health into its vaccination strategy. He argues that private interests have come to dominate the EU's approach through increased pharmaceutical lobby activity.

9.

Goodwill is Not Enough: The EU's Empty Promise of the Human Right to COVID-19 Vaccines

Empty Promise

In July 2020, the President of the European Commission Ursula von der Leyen emphasized the importance of universal and affordable access to COVID-19 vaccines.[1] This position was taken at the early stage of the ongoing COVID-19 pandemic. At the present, however, the European Union (EU) has been the proponent of a vaccination scheme that drives inequality both inside the bloc and abroad.

Europe's top executive holds the vision of the human right to vaccination. But the EU has changed its course of action when it comes to acquiring and distributing vaccines. What happened to the promise of the vaccine as a common good? What led European leaders to change their minds towards an exclusive vaccination policy?

The tension between the promises and actions of the European Union may point to a compromised institutional integrity. Business interests entangled with emergency governance emerge as a culprit. Understanding the sources of the dissonance between ideals and actions is crucial to rectify the relationship between the public and private sector. If the EU fails to live up to the idea of vaccination as a human right, it threatens to hollow out the principles upon which it was built.

Clash of Opinions

As of March 2021, 86% of COVID-19 vaccinations were delivered in the developed world, while less-developed countries are only expected to be immunized by 2023.[2] In May 2021 only 0,9% of the entire African population is vaccinated, while the US and the UK are well above 40% and sit on supplies manifold their needs.[3] According to a survey published in Nature, almost 90% of scientists predict that COVID-19 is here to stay for the long term.[4] Failing to immunize the world equitably will lead to the emergence of new variants that prolongs the pandemic and its costs, both in economic terms and human lives. One central dimension around the question of unequal distribution of vaccines concerns intellectual property rights (IPs). Over 100 countries from the Global South—led by India and South Africa—have been pushing the World Trade Organization for a temporary waiver of IPs related to COVID-19 vaccines.[5] The recent elected President of the United States Joe Biden also supports their position. They argue that lifting IP protections could lead to global access to vaccine technology and increase production. However, a small number of countries and their related biopharmaceutical interests have been adamant about disabling the request for patent waivers, by arguing that IPs are not the problem.[6] Instead, they point out the lack of capacity and reliable manufacturing facilities as the cause of disparate access.[7]

The claim attracted significant criticism from non-governmental organizations, who accuse these companies of profiteering over the pandemic. Indeed, companies such as Pfizer and Moderna are expected

to earn above $15 billion from vaccine revenues in 2021 and these numbers are likely to be exceeded.[8] Additionally, several drug manufacturers offered to help out with vaccine production, but corporations in charge of the current supply chain turned down their help.[9] Critics took this lack of response as a sign of an emerging monopoly on COVID-19 vaccines, where few biopharmaceuticals create scarcity of life-saving jabs.

Increased Lobbying

Led by powerful voices, such as the philanthropist Bill Gates, biopharmaceutical CEOs, and government lobbyists, the perspective of the pharmaceutical industry has been dominating the opinion of the European Union on the issue. Watchdog organizations revealed intensifying patterns of biopharma lobbying in the European Commission.

Official lobby disclosures show how biopharmaceutical companies dispatched 175 lobbyists to influence the response of European decision-makers towards the pandemic.[10] For example, the biopharmaceutical industry spent almost 20% more in 2020 on lobbying than in the previous year.[11] Industry representatives have direct access to European institutions and push their talking points in private discussions with leaders.

Lobbying activity is not restricted to the ground level only. Ursula von der Leyen has been in personal contact with several biopharmaceutical CEOs, including Albert Bourla of Pfizer. In an interview, Bourla disclosed how pleased he was to work with the European President.[12] Recently the EU signed a new purchase agreement with Pfizer to deliver 1.8 billion doses until 2023. So far, this is the largest deal of COVID-19 vaccines ever made.

An antique statue holds a scale in one hand and a sword in the other. She is surrounded by a circle of yellow stars, against a blue background with the outline of two men shaking hands. Illustration by author.

Furthermore, revolving door practices emerged within the EU's team negotiating with vaccine producers. Richard Bergström, one of seven in charge of navigating purchase agreements with biopharmaceuticals, has been identified as a former director of the EFPIA[13], the largest pharmaceutical lobby organization in Europe.[14] As industry interests have politicians on speed dial, who represents the public?

Inherent Contradictions

The human right to health is a cornerstone of liberal democracy. Public statements from officials underscore the symbolic importance of this principle. However, integrating the idea of equitable access to vaccines is at odds with the profit-oriented framework of the biopharmaceutical industry.

The strong presence of critical voices has alerted European leaders of the complications of this model. Yet why are they embracing the private model to vaccine manufacturing? And how do they account for its problematic results, described by critics as a 'vaccine apartheid'?[15] Additionally, if the human right to vaccines is an essential component of European politics, how do leaders reconcile with their failure to stay true to their guiding principles?

The previous examples reveal how industry interests are spun through the fabric of political decision-making. Lobbying, both on higher and lower levels, heavily influences the EU's vaccine politics resulting in a tapestry evermore dominated by private voices at the expense of the public. Given that taxpayer money heavily subsidized COVID-19 vaccines, the disproportionate influence of the private sector is a wrong waiting to be rectified. More importantly, the EU is damaging its integrity by upholding the human right to vaccinate but not following through.

Goodwill is Not Enough

How can the European Union stand up to its professed principle of the human right to vaccines? First, it must reorient its relationship with biopharmaceutical companies in the private sector. This process includes limiting the negotiating power of drug manufacturers and holding them accountable for health inequalities through funding agreements.

It has become a common place that protecting IPs is necessary for pharmaceutical innovation. But the frequency this maxim is repeated should not be confused with its accuracy. As I argued, IPs on COVID-19 vaccines have been restricting the global supply, which benefits the market interest of selected biopharmaceutical companies. Therefore, the EU should encourage member states to support IP waivers to increase vaccine production and assist low-middle-income nations to immunize their population in the shortest time frame possible.

If the EU seeks to preserve its integrity and live up to the idea of the human right to vaccination, it must do everything within its power to ensure global vaccine equity. Without addressing the root cause of disproportionate representation of private interests, the EUs promises to respect human rights rings empty.

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Eric Bishel

MA in International Public Affairs

Eric Bishel argues that the Universal Declaration of Human Rights should be seen as a powerful memorial for the Holocaust, furthering memory and giving its invocation power.

10.

Instruments of Memory: Human Rights Memorials for the Holocaust

By the middle of 1945, the most destructive war the world has ever known was drawing to a close. This war unleashed not only new ways of killing, but also new targets: civilians. While World War I blurred the lines between civilian and combatant, World War II annihilated that line. At the hands of the Nazis and their collaborators, brutality and suffering permeated everyday life for Poles, Roma, Communists, and countless others deemed "undesirable"; total annihilation was the order of the day for the Jewish people of Europe. Concentration camps, crematoria, and mass graves filled with the bodies of millions of innocent men, women, and children shocked the entire world.

Words seemed woefully inadequate to express the sorrow felt. There were those who turned their attention to the creation of "sites of memory, sites of mourning" as memorials to those who perished.[1] Drawing on conventions and a language of mourning from World War I, many hoped to not only create a physical marker of memory, but also evoke hope for the future of "Never again." There were others who were not prepared to give up on the power of words and language to commemorate and memorialize. It was by virtue of the pen that they hoped to make this shared future a reality, through the creation of the Universal Declaration of Human Rights, adopted by the newly formed United Nations in 1948. Through this document, I argue, they created a powerful memorial, with the same goals and language of more conventional commemorations made of stone and mortar, able to educate and aid in ensuring "Never Again."

The Universal Declaration is, first and foremost, a declaration. It contains thirty articles laying out the basic rights afforded all humans, regardless of nationality, race, creed, or gender, but it is fundamentally non-binding. This, of course, means that it cannot be directly used to punish states, or coerce states into action. What, then, was the point? The answer lies in its drafting and a man central to its creation, Rene Cassin. As a trained jurist, a veteran of the First World War, and a French Jewish Republican, for Cassin, the end of the war was the beginning of a search for meaning after the discovery that [26] members of his family were murdered in the death camps. For Cassin and the other drafters of the UDHR, memory was powerful, but ultimately unfulfilling. The only possible way to solve this problem was to create meaning. In a plea for future action given in reference to past loss, death and suffering could be made meaningful.[2] However, for those who held political power in particular, a plea was not the farthest they could go. Instead, they could implement real change on a grand scale, giving the deaths of those countless men, women and children meaning and in doing so giving comfort to themselves and survivors. They created legal instruments; texts designed to use the memory of the Holocaust as a moral signpost whereby all future acts were judged. They were instrumental in shaping the Declaration into the form it has taken today. The goal of the Declaration was never to intervene, nor to create an instrument for state action.

Those who term it a failure fundamentally misunderstand this. The goal was, and remains, to create an educational tool that gives citizens across the globe a language with which to advocate and communicate about rights fundamental to all of humanity; and in doing so, create a memorial to past loss. That's why it is short - it fits in your pocket, written simply - and is the most translated document on the planet. If two people come together to communicate, the Declaration will have been translated into that language.

The UDHR marked a fundamental shift in the conception of memorials, Holocaust memorials in particular, and suggests that the brutality of "total war" produced distinctive forms of commemoration. It has a unique strength in memorials; it is both a tool and a memory. This allows the memory of the Holocaust to remain alive, in countless unforeseen contexts. From protesting a repeal of the Affordable Care Act, to advocating for tuna fishery reforms, to modern environmental activism (according to several researchers, 90 percent of the UN Sustainable Development Goal targets are linked to the Declaration).[3] If the goal of the UDHR is to memorialize and protect innocent lives, by providing them with the tools necessary to prevent and redress otherwise inescapable harm, then that goal has been realized. It is proof that the UDHR has created a true memorial, capable of being imbued with new meaning as social memory shifts while still retaining its original urgency. Through the Declaration, Holocaust memory is performed on a daily basis, with or without the explicit knowledge of the performers.

We struggle, nowadays, to find a method of educating new generations about the Holocaust. With the passing of many survivors, the immediacy, and tangibility, seems to have faded. The "never again" slogan leaves a central, unanswered question: How? Many suggest new memorials, curriculum reform, greater efforts to raise awareness - and that is certainly noble. However, I suggest we do something different. Instead of a moment of silence, a moment of action. Instead of a new memorial, a new political leader who fights for human rights over their own self-interest. By understanding our tools, and reading the declaration, we can continue to fight for the memory of the Holocaust. Rather than lighting a candle, fight for the one that has already been lit.

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Black Lives Matter

Protest in Vienna on the 6th of June 2020
photos by Liam Downs-Tepper

In the center of the image, hands hold up a large sign which reads "I HAVE HAD/ A DREAM/ FOR/ FUCKING/ WAY TOO/ LONG" against the background of an image of Martin Luther King, Jr. Other signs are visible, with quotes from Angela Davis and Audre Lorde, and including the slogans "Black Lives Matter", "Black Trans Lives Matter", and "ACAB" (All Cops are Bastards).

Protesters stand in a crowd. Red smoke rises into the air. Two prominent signs read "HAPPY BIRTHDAY/ BREONNA TAYLOR/ WE WILL NOT/ FORGET ABOUT YOU" and "NO JUSTICE/ PEACE/ PRISION /POLICE". Also visible are a large banner with German text and a black Antifa flag.

Several blurred and illegible signs surround the perimeter of the image, while in the center a hand holds up a sign saying "MAKE RACISTS/ AFRAID/ AGAIN".

A police officer at a BLM protest in Vienna; the back of the man's jacket, reading "POLIZEI" (police), is in the foreground of the image, against the background of a bold "BLACK LIVES MATTER" sign.

Mariya Gorbachyova

GEMMA (Women's and Gender Studies)

Mariya explores the practice of shapeshifting, which can be found in the music of alternative/indie artists from the US & UK such as Perfume Genius (he/him) and Anohni (she/her). Reflecting on their lyrics, the potential of shapeshifting as an analytical tool is explored through theory and autobiography of the trans theorist and writer Paul B. Preciado. The result is a mix of mythical, analytical, and practical meanings behind shapeshifting as a concept and tool that queer folk can use in their daily activities to resist discrimination.

11.

Shapeshifting: Survival Technique for Trans & Queer People

Trying to analyze a concept like shapeshifting is almost impossible, since its elusive meaning includes mythical, practical, and analytical aspects. In trying to bridge the gap between all three, this article will reflect on 1) trans theorist and writer Paul B. Preciado's autobiographical essays' approach to the shapeshifting concept, and 2) music of Perfume Genius and Anohni who also utilize it.[1] These examples show shapeshifting's potential as a practice of envisioning existence otherwise through music and words, that many of us can apply in our day-to-day activities to subvert discrimination from neoliberal ideology.

The historical connotations behind the word *shapeshifting* (to change one's shape) connect it to werewolves, deities, and other mythical metamorphs,[2] such as Greek sea-god Proteus, whose name transferred into the *protean* adjective.[3] The word *shape* itself is known for its translation difficulty, since "form" and "shape" synonyms in English do not accurately convey the meanings of the same Greek words. Moreover, Plato famously sees the Forms as the immaterial ideals we should all strive for.[4] This concept then can also be linked to shapeshifting's potential to switch not only one's mere appearance, but the whole body, and to shift between im- and materiality, as will be referenced in the lyrics analysis below.

In addition to the philosophical and historical connections of the shapeshifting concept, its use in the context of non-heteronormative theory matters. For example, Preciado in *An Apartment on Uranus* (2019) looks back at Greek mythology, specifically the god Uranus, whose name was given to the coldest planet in the solar system.[5] The author explores the feeling of non-belonging on Earth in terms of not fitting into either the gender binary stereotypes or the medicalized image of transition for trans-bodies in general. Consequently, he envisions himself in an apartment on Uranus, far away, in a space where existence beyond any earthly stereotypes is possible.

This feeling of being somewhere on a distant and cold planet is shared by the US indie/alternative artist Perfume Genius on his album *No Shape* (2017). In it, he describes himself reaching for an idea that is out of frame.[6] He also expresses a strong desire to escape his body's restraints as he suffers from chronic illness. By "*hover[ing] with no shape*" that is exactly what he can do in his Wreath song (2017). He is "running up that hill" just like Kate Bush did before, in her hit single from 1985.[7] Perfume Genius takes Bush's ritualistic offer to exchange genders and bodies one step further, by switching places with the abstract her, who sends her dove to him. Ultimately, though, he wishes to completely switch off his materiality:

> *I'm gonna call out every name*
> *Until the one I'm meant to take*
> *Sends her dove* [8]

Another artist who also reflects on gendered and material/immaterial embodiment in her alterna-

tive music is Anohni, who is from the UK/US. Interestingly enough, one of the first words listed as related to metamorphosis in the Merriam-Webster Dictionary's thesaurus is transition, which is used by trans folk to refer to the change of gender assigned at birth. Anohni has also transitioned: formerly known as Anthony of Anthony & the Johnsons band, she then changed her name to Anohni before the release of the *Hopelessness* (2016) record. It brings her previous works to their logical continuation through the critique of essential parts of neoliberalism, namely contemporary US imperialism and ecological crisis. In her *Drone Bomb Me* track she opens up a place of exploration similar to Perfume Genius's *Wreath*. Anohni-narrator in a voice both powerful and vulnerable tells the drone to "drone bomb [her]", "lay [her] purple on the grass", as it if was a living entity that could hear her:[9]

Blow me from the mountains, and into the sea
Blow my head off, explode my crystal guts
Lay my purple on the grass [10]

While this is a radical step towards welcoming death, it still comes across as a protest against the neoliberal subjugation that happens due to the US military presence in Afghanistan and their use of drones. Instead of being a victim of the drone, since traditionally it would hail Anohni as its victim, she is the one in control. She is calling out the drone through the reverse interpellation, clearly marking its violence as destructive and thoughtless, as it explodes everything in its firing range, including civilians. If *Wreath's* desire ultimately is to leave the body restraints, *Drone Bomb Me's* message also envisions the end of one's materiality which inevitably follows after the drone attack. It is also the end point of shapeshifting, which refers us to the transition from the material to immaterial side of existence, besides the constraints of the heteronormative matrix. In both artists' songs, though, such transition is never achieved, left for the listener to envision it themselves.

Three possible meanings of shapeshifting were mentioned in the beginning of this article: mythical, practical, and analytical one. If its mythical dimension can be useful in theory & analysis, as can be seen through the example of Preciado's essays, the practical one is achieved by artists like Perfume Genius and Anohni in their music. Its overview here offers a small fraction of the many possibilities for queer and/or trans people to resist discrimination and therefore survive through their art.[11] Shapeshifting allows one to imagine ways of existing in defiance to heteronormativity or outside its frame, and one of the ways of undertaking this is through musical expression.

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