

The Activist

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About *The Activist*

We proudly present you with the 2013 issue of *The Activist*, HRSI's Human Rights Journal. *The Activist* is an annual student journal aimed at providing CEU students a platform for publishing their work related to human rights and civil society, as well as for gaining experience in editing a professional 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.

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Climate Change and Human Rights: A Promising Combination?

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You don't have to be an environmental guru to know that one of the greatest challenges of our times is mankind's fight against climate change. The fact that climate change figured prominently in both U.S. President Barack Obama's 2013 Inauguration Speech and his 2013 State of the Union address is a clear illustration of this.¹ However, the financial and economic turmoil of the last years has resulted in states' refraining from taking ambitious action in this field. One possible way to overcome this deadlock is through insisting that climate change is—at its core—a human rights issue.

The mere fact that climate change has implications for a wide range of human rights now seems fairly convincingly established. Recent reports from the OHCHR and the World Bank highlight the threat that climate change poses to firm, internationally established human rights such as the right to life, the right to adequate food, the right to the highest attainable standard of health, the right to adequate housing, and the right to water.² Even the right of peoples' self-determination comes into play, for example in the context of the threat that climate change poses to the territorial existence of a number

of low-lying island states. Therefore one can now safely say that "there exists broad agreement that climate change has generally negative effects on the realization of human rights."³

The international (political) community has responded by acknowledging this link between human rights and climate change, resulting in high-level attention through resolutions and a panel discussion at the level of the Human Rights Council.⁴ The 2012 appointment by the UN Human Rights Council of John Knox as the first Independent Expert on Human Rights and the Environment forms another major step. The most prominent—and controversial—political initiative to date, however, is the initiative from the Republic of Palau (on behalf of small island states) to request in the context of the UN General Assembly an 'Advisory Opinion on damages from climate change' from the International Court of Justice (ICJ). In addition to these international developments, the 'right to a healthy environment' has also slowly been gaining some ground in regional human rights courts and is increasingly being considered as a so-called 'third generation human right'.

Having considered all of this, the conceptual exercise of linking human rights and climate change is still not as straightforward as it seems. A number of elements contribute to this complexity. Firstly, climate change is usually considered as a factor aggravating already existing challenges impeding the realization of certain human rights, rather than a core constitutive human rights challenge in itself. For example, the realization of the right to water will undoubtedly be negatively affected by the impact of climate change on water availability (such as in the form of retreating glaciers, less snow cover, and contamination of fresh water supplies through increased extreme weather events). However, the root causes of water problems are generally related to poor water management, poverty and inequality, population growth, and environmental degradation in a broader sense.⁵ What climate change impacts do is interact, reinforce, and exacerbate these existing stress factors on water resources, thereby adding to the human rights problem of realizing the right to water for all. Secondly, there exists a core tension between the concept of environmental damages, including those caused by climate change on

the one hand and human rights issues on the other hand. This tension manifests itself in the fact that in order to qualify for 'victim status'—in other words to be able to claim being victim of a human rights violation—one has to show to have been "*adversely affected* by an act or omission of a State party, or that such an effect is imminent."⁶ The fact that global warming impacts are expected on a longer, future time-horizon often causes problems in fulfilling this requirement of victim status. Thirdly and lastly, apart from small island developing nations such as the Maldives—whose actual survival is threatened by climate change—most states and courts do not seem too keen to make the right for a healthy environment a real, enforceable right. There is a sharp absence of political will to move in such a direction. Mostly this relates to a third factor, namely the fact that the climate change debate as such is already highly complex and

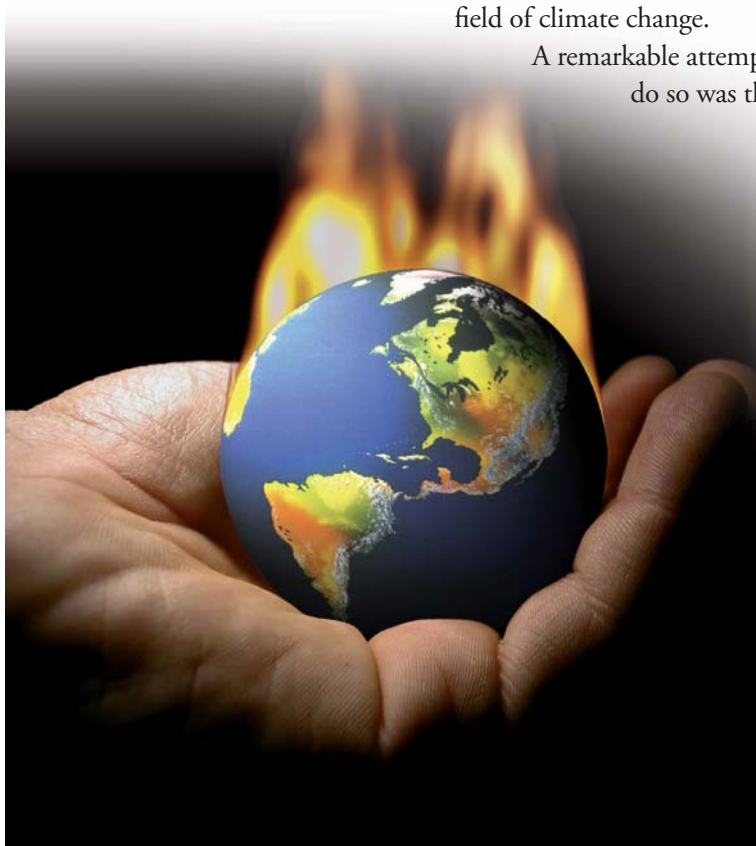
very politicized, touching on core economic and financial interests. Furthermore, the often very complex causal relationships involved result in a crucial 'attribution problem', making it almost impossible to determine the extent to which a specific climate change impact that affects human rights is attributable to global warming. To cut a long story short, it is clearly not evident to determine to which extent climate change effects can—in a legal sense—be classified as human rights violations.

This raises the question of the added value of a human rights based approach to climate change. It appears that there is one crucial field where human rights instruments can provide such added value, and that is in terms of 'accountability'. Notwithstanding the risk of loss of prestige on the international scene, states can at this point hardly be held accountable for their inaction in the field of climate change.

A remarkable attempt to do so was the 2005

Inuit petition to the Inter-American Commission on Human Rights, lodged to hold the U.S. government accountable for violations of the Inuit's human rights resulting from global warming. The Inuit—an indigenous group of the Arctic region—claimed that "global warming violates the rights [of their people] to retain one's culture, life, food, and health by melting the ice, snow and permafrost, changing the weather, and radically altering every aspect of the arctic environment on which Inuit lives and culture depend."⁷ Revolutionary as it was, the petition was dismissed by the Inter-American Commission at a later stage. Indeed, as was highlighted earlier, there appear to be insurmountable difficulties in holding a particular State responsible for the *harm caused* by its unwillingness to combat climate change by curbing emissions.

It seems therefore that the relevance of human rights for the global warming debate should be sought rather in the legal protection that human rights law provides with regard to so-called 'adaptation measures', which are national policies and measures taken by States to *respond* to and *address* climate change impacts. Clearly such measures might also result in infringements of human rights. For example, in the case of high-risk



<http://gbteat.co.nz/news/climate-change-response-act/>

flood zones, States have a positive obligation to implement certain measures (including emergency relief measures) as well as an obligation to adequately inform their population about such risks. Even when implementing such measures as relocation programmes, States have to ensure at all times respect for human rights, for example through avoiding forced evictions, thereby respecting the right to adequate housing. Building on this, one could imagine a possible scenario where, for example, the New Orleans victims of Hurricane Katrina could hold the U.S. government accountable for neglecting to implement the necessary preventative plans and measures, taking into account the increased risk of flooding as a result of more frequent extreme weather events linked with climate change.

As a concluding note, it appears that introducing human rights in the climate change debate is certainly no panacea, but it can provide an added value in providing channels to ensure accountability for states' actions or inaction with regard to adaptation measures, which are aimed at addressing and responding to climate change *impacts*. Together with a groundbreaking advisory opinion from the ICJ, such increased use

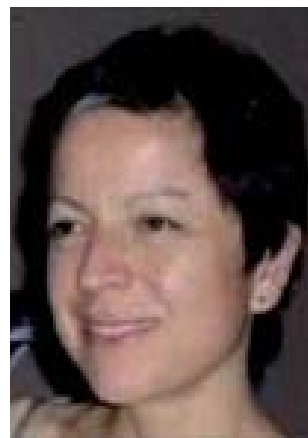


of human rights channels to hold governments accountable would certainly raise the political profile of the issue, as well as impose an additional pressure on states to adequately combat climate change through curbing emissions, thereby avoiding human rights violations along the way.

ENDNOTES

- 1 In his 2013 Inauguration Speech, President Obama pledged to "respond to the threat of climate change, knowing that the failure to do so would betray our children and future generations". A similar reference appeared in the President's 2013 State of the Union address, in which he proclaimed that "for the sake of our children and our future, we must do more to combat climate change".
- 2 UN Human Rights Council, 'Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights' (A/HRC/10/61), 15 January 2009 and World Bank, 'A World Bank Study: Human Rights and Climate Change' (Washington: World Bank, 2011).
- 3 UN Human Rights Council, 'Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights' (A/HRC/10/61), 15 January 2009, 23.
- 4 UN Human Rights Council Resolution 7/23 (28 March 2008), available at http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_7_23.pdf; UN Human Rights Council Resolution 10/4 (25 March 2009), available at http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_10_4.pdf.
- 5 UN Human Rights Council, 'Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights' (A/HRC/10/61), 15 January 2009, 11.
- 6 UN Human Rights Committee, Communication No. 1440/2005: Aalbersberg v. The Netherlands (Decision adopted on 12 July 2006, eighty-seventh session).
- 7 EarthJustice, 'Inuit Human Rights Petition Filed over Climate Change', 7 December 2005, <http://earthjustice.org/news/press/2005/inuit-human-rights-petition-filed-over-climate-change>.

Colombia's Peace Process, Land Reform, Mining and Agrofuel Megaprojects: A Self-Contradictory Strategy for Catching up with the Country's Normalcy?¹



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Catching up with the country's normalcy was the expression reiterated by Juan Manuel Santos during a 2010 speech, in which the Colombian president put forward his intention to address human rights issues along with economic development during his administration.² Yet three years after president Santos took office, his program still has difficulties getting off the ground. In what follows, I underscore some of the challenges faced by Santos' human rights strategy by examining main features and recent developments of the Colombian armed conflict. As I will illustrate, despite Santos' good intentions, the economic strategies promoted by his government counteract the development of the human rights initiatives in which he is engaged, thus rendering Santos's program self-contradictory.

At the core of Santos' economic strategy lies the development of extensive production of agrofuels and

exploitative mining, which follows the lines traced by former rightist president Alvaro Uribe, in whose government Santos was defense minister. However, the same cannot be said of Santos' approach to human rights, which implied a radical departure from Uribe's hard-line security policies. In fact, from the beginning of his term, Santos adopted as his flagship policy the so-called "Victims and Land Restitution Law," an ambitious land reform through which Santos seeks to restitute within ten years 2.5 million hectares spoiled by paramilitary rightist forces and leftist guerrilla groups. Santos' political shift was further enhanced in October 2012, when his government heeded the call of civil society and initiated peace talks with the country's main guerrilla group, the Revolutionary Armed Forces of Colombia–FARC.

The issue of the Victims Law involved the recognition of the existence of an internal armed conflict, which has lasted for almost fifty years, triggering the forced displacement of about four million



<http://www.pasc.ca/sites/pasc.ca/files/field/image/RapportInterPares.png>



people, one of the world's largest internally displaced populations. This recognition overcame the denial of the armed conflict, a term banned by the Uribe government who maintained that Colombia was the victim of a terrorist threat. But more importantly, such a recognition brought about the partial dismantling of a state of exception—in Agamben's terms³—in which thousands of victims were placed in a threshold position, excluded from the protections provided by both international humanitarian law and Colombian legislation.

However, while the main focus of the Victims and Land Restitution Law is the IDPs' (internally displaced persons) return, what has been evident during the past year is the inability of the government to guarantee the sustainability of IDPs' return in the middle of a transitional context where war and peace overlap; a context that is specific to countries which are in the process of overcoming civil war as well as to countries that face post-conflict situations. According to the NGO CODHES, forced displacement brought about 259,146 victims during 2011⁴ and massive displacement events increased by 83% in 2012,⁵ targeting mainly minority groups such as indigenous and Afro-Colombian populations. Moreover, the land restitution program has been jeopardized by threats against victims' movements and by the murder of about 17 of its leaders since mid-2010 by post-demobilized groups.⁶ Although during 2011 about 30,000 people were displaced due to confrontations between the FARC and the Colombian army, the majority of displacements that occurred the same year were committed by post-demobilized groups, successors of right-wing paramilitary organizations.⁷ These are illegally armed forces which—albeit officially demobilized during the Uribe administration—have

reemerged and resumed their war strategies in order to defend the interests of new landowners, many of whom are nowadays invested in extensive agriculture projects and mining, which collide with the land restitution program. In such a scenario, it is reasonable to wonder whether in Colombia's model of economic development, allowing the IDPs to return would be a durable solution. Despite Santos' good intentions, human rights would otherwise remain only a strategic discourse useful for achieving the approval of free trade agreements with United States and the European Union. These agreements were largely delayed due to Colombia's human rights situation, but nonetheless, approved just some months after the enactment of the Victims Law.

The actions conducted to prevent the return of the IDP population and, in particular, the reemergence of paramilitary forces self-defined as an "Anti-Land Restitution Army" demonstrate that what has been at stake in the Colombian armed conflict has not merely been the fight against guerrilla forces, or a terrorist menace that justified the exception of the law. Rather, it entailed a project to gain control over land by forcing people to leave. Now that these stolen lands are being used for exploitative mining and agri-business such as palm oil crops, their illegitimate owners are more interested in taking advantage of the government's support of these businesses, rather than in allowing the return of the populations that they have forcibly displaced.

ENDNOTES

- 1 Many thanks to Carine Middelbos for her editorial assistance with this article.
- 2 Meeting with Juan Manuel Santos Calderon, President, Colombia. Posted September 24, 2010. In: <http://www.cfr.org/colombia/meeting-juan-manuel-santos-calderon-president-colombia/p23033> Accessed 17-01-2013
- 3 Agamben, Giorgio. 2005. *State of Exception*. Chicago and London: University of Chicago Press.
- 4 CODHES. 2012. *Desplazamiento Creciente y Crisis Humanitaria Invisibilizada*. In: *Boletín de la Consultoría para los Derechos Humanos y el Desplazamiento*. N° 79. Bogotá: CODHES.
- 5 CODHES. 2013. *Incremento en la Vulneración a los Derechos Humanos: El desplazamiento Masivo y la Situación Indígena*. In: *Boletín de la Consultoría para los Derechos Humanos y el Desplazamiento*. N° 80. Bogotá: CODHES
- 6 "Duelo en Medio de la Marcha de Víctimas". Posted: April 9, 2013. In: <http://www.lasillavacia.com/historia/duelo-en-medio-de-la-marcha-de-victimas-43683>. Accessed 14-04-2013.
- 7 Ibid.: CODHES. 2013

The Abortion Pill in Hungary: A Human Rights Analysis

“There is no need to introduce any new form of abortion.”

—*Kálmán Nagy*¹

In this article, I argue that in the case of introducing the abortion pill in Hungary in 2012 (or rather by preventing its introduction), the Hungarian state has violated the fundamental rights of women to health, to privacy, and indirectly, to life. These rights are provided for Hungarian women by the Hungarian Constitution, the European Convention of Human Rights and the Universal Declaration of Human Rights, and therefore are inviolable.

Arguments Against the Abortion Pill

Presently only surgical abortion is available in Hungary. The attempt to license the abortion pill has reignited the moral debate about abortion, despite the fact that it represents only a new method of the same procedure² and therefore should not call into question the legal regulation of abortion itself. Despite this, the following three arguments have been brought up against the introduction of the pill, mostly by politicians and Hungarian pro-life associations.

1. **Economic interests:** the first argument of the opponents of the pill was that the pill was licensed in Hungary only because of the economic gains to be made by the EU and the manufacturers themselves. The existence of economic interests is undeniable, but this in itself doesn't mean that the use of a drug is wrong.
2. **Professional debate:** the second argument was that there is a professional debate surrounding the pill regarding the safety of its use, even though those working in the medication profession have denied the existence of such a debate. Furthermore, most professionals deemed medication abortion an easier

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method for both doctors and women than surgical abortion is. The abortion pill is registered on the WHO Model List of Essential Medicines,³ and the Hungarian Obstetric-Gynecology College also supports the use of the pill.

3. **Demographic concerns:** the third argument was that the introduction of the abortion pill would increase the number of abortions in Hungary (supposedly because abortion via a pill is a less dramatic process, and women would therefore take abortion less seriously). This is contrary to data the WHO has collected showing that in countries where the pill is available, the number of abortions did not increase.⁴

As we can see from the arguments brought up against the abortion pill, they mark a national political debate connected both to Hungary's uneasy relationship with the EU and furthermore to women's right to control over their bodies. Since all three arguments can be easily refuted, the claims lack support. The question is, if those who are against the pill find abortion to be immoral, why don't they argue for banning abortion in general? It is likely because they are aware that if the government were to do so, it would not stay in power for long.⁵

The Right to Health and Life

According to Article 25 of the Universal Declaration of Human Rights “(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and *medical care and necessary social services* [...]. (2) Motherhood and childhood are entitled to special care and assistance”⁶



<http://www.nlcafe.hu/data/cikk/11/106264/2.jpg>

Furthermore, the Hungarian Constitution states that “Everyone has the right to physical and mental health” and that Hungary will facilitate this right by “the organization of health care”.⁷

By denying access to the abortion pill, the Hungarian state has violated the right to health of Hungarian women according to the two laws mentioned above.

Beyond these two laws, the Hungarian state’s refusal to introduce this pill also indirectly violates the right to life of Hungarian women,⁸ putting their lives in danger by not providing the necessary legal framework and information on the abortion pill. This allows the potential for a woman to endanger her life by ordering the pill over the Internet and not preparing for possible complications.

As I have shown, the debate around the abortion pill in Hungary has turned into a political debate, disregarding that provision of this pill is not only valid, but a human right in itself.

ENDNOTES

- 1 MHO/Hirado.hu “Nem lesz abortusztábla Magyarországon” Magyar Hírlap Online (2012) accessed May 3, 2013 <http://www.magyarhirnap.hu/node/323585>.
- 2 The abortion pill method, also known as medication abortion is done by taking two pills: mifepristone and misoprostol to end an early pregnancy, the first one blocking the activity of progesterone (a hormone which keeps up pregnancy), and the other inducing the process of miscarriage. These pills should be taken under medical supervision, two days apart. After taking both pills, one may experience vaginal bleeding for 9 to 30 days or longer, and must return for check up after 14 days – if the entire fetus was not removed, a follow-up surgical abortion is necessary. One of the main differences between medication abortion and surgical abortion is that in the case of medication abortion, the woman is awake during the whole process, thus can experience it fully, possibly in the company of others. Known brands of the abortion pill include Mifegyne, Mifeprex, Medabon.
- 3 “WHO Model List of Essential Medicines,” http://whqlibdoc.who.int/hq/2011/a95053_eng.pdf accessed December 10 2012.
- 4 Sándor Joób, “Közelít az abortusztábla Magyarországra,” Index.hu (2012) accessed December 10 2012. http://index.hu/belfold/2012/04/23/abortusztábla_nincs_es_megis_var/2/#3
- 5 This is reflected in statements made by the Minister of State for Health such as: “Hungarian society isn’t ready for the prohibition of abortion, like Poland for example,” in Matthew Cullinan Hoffman, “Hungary sponsors bold pro-life campaign with EU money—Eurocrats enraged” LifeSiteNews.com (2011), accessed December 10 2012. <http://www.lifesitenews.com/news/hungary-sponsors-bold-pro-life-campaign-with-eu-money-eurocrats-enraged>
- 6 “Universal Declaration of Human Rights,” accessed December 10 2012. <http://www.un.org/en/documents/udhr/index.shtml>
- 7 “The Constitution of Hungary,” accessed December 10 2012. <http://www.kormany.hu/download/0/d9/30000/Alapt%C3%B6rv%C3%A9ny.pdf>
- 8 Provided to them by aArticle 3 of the Universal Declaration of Human Rights and the Hungarian Constitution.



Human Rights Activism Takes New Directions in Hungary:

Civil Disobedience and the Challenges of Advocacy Activism in a Changing Legal Environment

How can you protect your rights when you see legal guarantees crumbling away, but democracy is still formally in place? This is a tough question that activists of various sorts in Hungary have to face in their rapidly changing political environment. Street activists already see the limits of lawful protest and no longer exclude the option of disobedience; some of them choose to violate the law, out of respect for the rule of legitimate law. At the same time, NGOs already see the limits of protecting democracy and individual rights exclusively by relying on constitutional guarantees; they must also go beyond relying on codified domestic law. In early March, these two forms of activism met each other and their own new challenges, when activists protesting against a new rights-restricting constitutional amendment occupied the headquarters of Fidesz—the ruling party and the only force behind the constitutional changes. The Hungarian Civil Liberties Union, an NGO providing legal aid for decades to protect citizens' constitutional rights and liberties, offered legal assistance to the protesters. Szabolcs Hegyi, program leader of the HCLU, tells us what happened at the Fidesz HQ and how the case challenges the HCLU's traditional role as a watchdog NGO.

► What happened at the Fidesz Headquarters in Budapest, on the 7th of March? Who was there, what did they do, and what was their motivation?

Seventy activists arrived at the Fidesz HQ on the morning of March 7th to protest peacefully against the adoption of the Fourth Amendment to the Fundamental Law of Hungary, an amendment heavily criticized by many because of its restrictive effects on rights,

a few days before the amendment was voted on. The activists intended to sit down in the building with banners. Since they found the gates closed, they climbed over the fence, and as the building was closed too, they expressed their views and recited slogans in the courtyard. The employees of the HQ called the police, who closed down the street around the building. Shortly after the spokespersons of Fidesz also arrived, beamed at the protesters,

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and held a quick press conference. Then police officers left and were replaced by civil security guards. Meanwhile, one of the employees left the building's door open and some of the activists got into the stairway and sat down inside, but they left in the evening.

► How have the police reacted? How far have proceedings progressed to date?

On the day of the protest, only one of the protesters was taken to the Police Department and sentenced for a petty offence. However, some days later, the executive director of Fidesz said the protesters (referred to as the "HQ-occupiers") had caused damage to the building, and he announced that a criminal procedure would be initiated against them. In fact, the protesters caused no damage, so the ongoing investigation is based on public nuisance committed by the group instead of causing damage. Out of the 43 participants, 14 have been interrogated as suspects and the rest as witnesses.

► **HCLU has decided to provide legal aid to the protesters even though they have manifestly violated the law. How does this fit with HCLU's commitment to the rule of law, and what are the expected outcomes in the particular case?**

Civil disobedience fits with the idea of the rule of law, I believe; therefore, providing legal aid to protesters who conscientiously disobey the law is a duty for a civil rights NGO. Civil disobedience, as many examples from the civil rights movements show and many theorists make clear, is a last resort to protest in a constitutional democracy against illegitimate state action. When someone has no other option than to call the attention of the political community to an illegitimate state action through disobedience and she undertakes the legal consequences of this communicative act, this deserves respect and not punishment. The degree to which civil disobedience is tolerated in a state is a measure of its commitment to constitutional democracy.

► **Do you expect an increase in the number of civil disobedience cases in the near future? Does HCLU intend to get involved in further cases, and if so, is it prepared to do so?**

HCLU has already been involved in other disobedience cases, such as a procedure against students who blocked traffic at the entrance of the parliament's parking lot on the day the Fourth Amendment was adopted. Even the student protests last winter exceeded the legal limits at times, and we expect that other disobedience cases will occur up to next year's elections. We expect that law-abiding citizens in Hungary will often find themselves in situations where they must follow their conscience instead of obeying an illegitimate law. In these cases, HCLU will stand up for the citizens' rights to act according to their conscience, and we are ready to give legal aid to those whose disobedience can be justified by liberal principles of constitutionality.

► **How do you see the role of HCLU in Hungary's rapidly changing political and legal environment? HCLU has traditionally been a watchdog whose core function was to protect legally and constitutionally guaranteed liberties against governmental interference. As these guarantees gradually vanish in Hungary, what alternative strategies of rights-protective activism are available to HCLU? Should we expect a shift of emphasis in its aims and strategies?**

On the one hand, certain interferences can be prevented in an ill-functioning democracy in the same way as in a well-functioning constitutional democracy: by insisting on codified law and convincing the courts. Hence, HCLU need not give up its traditional watchdog role, and we will stand up for citizens' rights and liberties in courtrooms, too. It is clear, on the other hand, that the situation in Hungary regarding democratic institutions and constitutional checks and balances is getting worse. When the level of rights protection decreases, rights-protective instruments disappear, and even impartial jurisprudence is harder to rely on, we must be ready for harder combats. Engaging with civil disobedience cases is evidence of this shift. And we must put a greater emphasis on international rights-protection mechanisms too, turning to not only the European Court of Human Rights, but also to the bodies of the European Union.



https://sphotos-a.xx.fbcdn.net/hphotos-prn1/p480x480/529123_586551141355757_1045142996_n.jpg

Struggle Unparalleled: Irom Sharmila's 12-Year Fast for Human Rights

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The life story of Irom Sharmila could be told in many ways. The metaphorical import of this 40-year-old frail woman from the north-eastern state of Manipur in India straddles realms that range from individual moral courage to realpolitik and from resistance to social stasis. Perhaps, like all individual lives which have made a difference, Sharmila's life, or shall I say struggle, demands to be told in as many ways as possible. Perhaps it is in the multiplicity of our collective narrations of her struggle that we realize, although partially, our 'bounden duty' of solidarity.

November 4th, 2000. Irom Sharmila, then a 28-year-old young woman, started her fast against the draconian Armed Forces Special Powers Act (AFSPA) that had been imposed on Manipur and other northeastern states by the government of India to counter insurgency. The Act, in force from the 1980s, gives the army powers to arrest or shoot anyone whom it suspected to be a criminal. By the year 2000, hundreds of people had already been killed by the army and the police. No legal or judicial measures could be initiated against the army as the Act gave it powerful immunity from the law of the land.

Two days before Sharmila started her fast, ten innocent people had been gunned down by the army in retaliation to an insurgent strike that had happened earlier. Human rights was nothing more than a hollow phrase for the people of Manipur; their only reality, violence.

This was twelve years ago. Nothing much has really changed in Manipur or in other north eastern states in India, although the number of violent conflicts between the army and the insurgents seems to be on the decline. The AFSPA has still not been revoked, and Sharmila, in what has become an unprecedented instance of non-violent struggle for human rights in world history, continues to be on fast for the 12th consecutive year. For the last twelve years, the state has kept her under house arrest, force feeding her through an intravenous tube thrust into her nose to keep her from dying. In 2006, she was charged for attempting to commit suicide by 'fasting until death' in the national capital. Nothing seems to be dousing the flames lit inside

this *satyagrahi** by the sufferings and injustice meted out to her fellow human beings by the state and its apparatuses.

Sharmila's struggle, as mentioned in the beginning, raises very many questions for us. The best that can be done in this very brief note is to highlight a couple of them. One of them pertains to the status of non-violent protest in contemporary India. What is it that emboldens a democratic state to ignore this historic struggle, which has drawn by its sheer moral force support and solidarity from several corners of the country? Sharmila's struggle is profuse in its symbolic potential. She has more than once evoked the name of Gandhi, the 'father of the Indian nation' who gave the world the highly emulated model of non-violent protest, in her interviews to the media. One would think that the image of this 'simple' woman persistently braving state repression by offering the ultimate sacrifice of her life and body must be enough to shake the social conscience. And it has, make no mistake about it. Yet,

* A phrase coined and popularized by Mahatma Gandhi. Refers to an individual who employs 'soul force' or 'truth force' to resist injustice in a non-violent way.



from Sharmila
http://1.bp.blogspot.com/_LvArjL1jCNg/TUvnQjSNZhI/AAAAAAAAABFE/LMPGayIG0HI/s1600/Gunjan%2B3.jpg

the state seems to be determined to 'manage' her struggle and the moral outrage brewing around it.

This leads us to the question of 'visibility'. Sharmila's struggle against the AFSPA and the human rights violations perpetrated amongst the people of the north east have been largely invisible in the mainstream political scenario of India, not to speak of the international community.

Despite the admirable efforts of certain media houses to keep the issue in focus and the unrelenting voices of protest raised by human rights activists and the student community in the country, the issue has failed to become the kind of rallying point that could turn the tables on the mighty Indian state. Is it because places such as the North East and Kashmir have historically been treated as hinterlands of the

democratic nation state of India? Or is it because irrespective of the symbolic and moral force of the struggle, violence triumphs non-violence in the political economy of bargaining between the state and the civil society?

Many questions remain.

However, what is unquestionable is the fact that unless the human rights violations against its own people stop, the legitimacy of the democratic Indian state will remain contested. Maybe it is time for the Indian state to stop assuming the mantle of the 'largest parliamentary democracy' before the world and set its house in order. Maybe now is the time to answer the question that is Sharmila.

Candle Light in Support of Save Sharmila Solidarity Campaign
<http://www.freevisuals4u.com/photos/2012/11/Save-Sharmila-Solidarity-Campaign.jpg>



Artistic Activism: Effective Art?

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Curator Nato Thomson has recently argued that the question for activist art is no longer “Is it art?” but rather “Is it useful?” Is there a stable relationship between political activism and art as a creative practice? Before clarifying this issue, it has to be firstly stated what is meant by “effectiveness.” The problem is that the question of effectiveness cannot be answered generally. Therefore, the more appropriate question would be: Can there be a stable point of reference to assert if something is politically effective, or does what counts as “effective” have more than one stable point of reference? Authorities in the field tend to disagree on the examples of politically effective art. For example, a recent issue from the art magazine *Frieze* attempts to survey the answers from political artists, curators and art educators regarding “what constitutes an example of politically effective art.” The examples of politically effective art range from Pussy Riot to Laurie Jo Reynolds—who has worked successfully with prison reform activists to close a maximum security prison in Illinois—to handmade decorations from remote rural areas which act critically in the sense that they emphasize “the suffocating female role models” (as Sabine Vogel says).

Yet, political effectiveness is not just of one kind. By the same

token, a revolution or a revolt is not the only way in which activists can oppose hegemony. But let us put some flesh on these theoretical bones and take a telling example: the 2011 video piece *Love. Utopia. Economy* conceived by Romanian-Finish video artist Dragos Alexandrescu. This video-text piece contrasts the Western and Eastern European utopian visions of perfection from two standpoints: that of society and that of individuals. The video is made on super 8mm film, and I read it as a melancholic meditation on our future from the prism of the precariousness of contemporary living.

“Is it art?”

“Is it useful?”

“Is there a stable relationship between political activism and art as a creative practice?”



Alexandrescu told me that this is a dystopia because two radically different concepts of “perfection” are merged together: a concept of human perfection (as absurd as it is) and a concept of the “perfect society,” like that proposed by Karl Marx in *Das Kommunistischen Manifest* in 1848. Even though the film appears to discuss the development and construction of human interrelations, love, feeling, and sentiment, the focus is on the critical economic situation. Nevertheless, this focus is not easy to discern because the rhetoric of the text is intentionally ambiguous: the text builds upon many words extracted from the *Financial Times* in which the word “economy” is explained and exemplified by the means of using emotional expressions, such as “expectations,” “relationship,” “connection,” “understanding,” or “feeling.”

Perhaps, for many, this piece is not “effective” enough in the sense that it will never really shake global economic hegemony. However, critical engagements do not always



To put it shortly, “effectiveness” does not necessarily mean defeating that which political art is critical about. It can also mean preparing the spectator’s mind and sensibility to acknowledge a certain state of affairs, and only after that to initiate an action for change. Activist art can do both, and both are “effective.”

attempt to achieve such radical changes, but rather to quicken our imagination, understanding and awareness (as grounding for change). In other words, nothing “concrete” will change immediately but our awareness will be quickened and our sensibility will be rekindled in such a way that opens our mind to imagine “what if” we would be in a difficult position, similar to that which we acknowledge in the art piece. Resistance might find expression in a multiplicity of forms, but radical change cannot be enacted at a social level if we do not begin with the personal sphere. To put it shortly, “effectiveness” does not necessarily mean defeating that which political art is critical about. It can also mean preparing the spectator’s mind and sensibility to acknowledge a certain state of affairs, and only after that to initiate an action for change. Activist art can do both, and both are “effective.”

Many times these forms of artistic activism tend to exhibit a critical stance towards their own immersion in the official discourse of contemporary art. The works of several contemporary political artists include simply picking up garbage or offering food or English courses to irregular immigrants (like Tania

Bruguera’s art project: *Immigrant Movement International*). All these artistic/political actions seem indistinguishable from quotidian activities. Their purpose is obviously to bring the idea of social injustice to the fore, but the question is: why these actions performed by activist artists would bring the idea of injustice to us in a way that other quotidian feedings of the poor and helping the immigrant cannot? The indistinguishableness of these artistic actions from regular actions is a political-critical strategy only for those trained to identify it as such. In reality, this indistinguishableness makes these kinds of works unreadable as art by any public other than that trained in complex contemporary aesthetics or art theory. Yet, on the other hand, there are many examples of political art which do not belong to established art worlds and do not need the vocabulary and the specialized knowledge of the mainstream art theorists to do their job effectively (even if only at the personal level).

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Arts and Human Rights in the Greek Political Context

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The Greek problem is portrayed by the media in the most grave colors: constant showings of violent demonstrations, discussions about the Greek exit from the Euro-zone, and numerous instances of financial misconduct. Undoubtedly, these situations occur, but what is the real cause of the so-called Greek crisis? The economic misfortune of the country is merely a symptom of the political infrastructure's corrosion and lack of a political consciousness. The best way to understand the intricacies of the Greek predicament is to concentrate on the role of civic society, its unique characteristics, and whether there is potential for its transformation. In this short overview I concentrate on two notable cases from the sphere of Arts and Human Rights in order to underline the importance of civil society in resolving the political Gordian knot.

The first case is about a peaceful protest that took place in Florina, home to the University of Western Macedonia,¹ a provincial university that will be closed under the reorganization plan codenamed "Athens."² The "Athens" plan for restructuring the educational platform of Greece is inextricably linked with the overall attempt of the Greek state to cut its costs wherever it can, starting with Arts and Humanities. However, the state's attempt at academic reconstruction was answered by an original art-driven

political statement (see picture) organized by faculty and students against the plan. The anti-Athens plan demonstration outside the University's walls is an instance of a political expression in times of looming austerity measures - whose impact on the society is alarmingly aggravating - and is completely different from the usual scenes of Greek demonstrations at Syntagma square in Athens. This particular protest shows the maturity of the participants distancing them from the various stereotypes the media constantly shows - most notably the fact that Greeks are lazy.³ Instead, one sees a genuine attempt to be heard and to communicate a political statement with ingenuity. This demonstration points to the heart of the political problem of Greece, namely whether the Greek government is up to the task of implementing the necessary policies that accommodate its most vulnerable citizens.

The other side of the vulnerability spectrum undoubtedly lies with the illegal immigrants, which comprises my second case. In a recent Human Rights Watch (HRW) report—"Hate on the Streets: Xenophobic Violence in Greece"—numerous instances of racist-driven violence against illegal immigrants were documented.⁴ Moreover, HRW outlined the main challenges of the immigration issue, offered

Photo credit: <http://www.theaustralian.com.au/archive/business-old/support-grows-for-greece-debt-exchange/story-e6frg90x-1226069912685>



recommendations to the Greek government and the EU, and warned against the political unrest fueled by the Neo-Nazi political parties such as the Golden Dawn. But just like in the case of Florina's protest mentioned above, the HRW report assumes that the Greek state is functioning when in fact the Greek *kratos* (government) is a dysfunctional political entity.⁵

The "dysfunctionality" of the Greek political space has been aptly described by Stelios Ramfos in his TEDx lecture, where he emphasized that Greeks have no sense of civic responsibility, no understanding of the public good and lack in expressions of self-governance.⁶ This is widespread mentality of the Greek government and as long as it exists, the economic side of the problem will persist and even get worse. Even though Ramfos' assessment of the political reality is true and precise, instances of civic responsibility and desire for actual political change are growing. Apart from peaceful demonstrations charged with maturity and political ingenuity—the Florina example—there is also an increase of volunteer groups such as "Tutorpool," which offers tutoring sessions for free via Skype.⁷ Hence, amidst the economic problems that Greece faces, the real challenge is to weave anew the political fabric of the country—a long-term process that has already started.

As a concluding remark, the area of Arts and Human Rights bring to the fore the real problem of the Greek government, which is primarily a political one. When Kyriakos Varverssos examined the state of Greek affairs in 1952, he concluded that "the social backwardness of public administration"⁸ exacerbated

any real attempts for economic development, as well as the existence of a political mentality rooted in self-interest and complete disregard for the common good. Now, after a whirling history infested with political conflicts, a military coup, and an economic crisis—the mentality seems to finally begin to change...

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Digital Rights, Digital Freedoms

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In 2012, a controversial op-ed *Internet Access Is Not a Human Right* appeared in *The New York Times*. There, Vinton G. Cerf, "father of the Internet", presented his views on the interplay between the Internet and fundamental rights.

In his words:
*The Internet has introduced an enormously accessible and egalitarian platform for creating, sharing and obtaining information on a global scale. As a result, we have new ways to allow people to exercise their human and civil rights.*¹

Even earlier, in 2002, Konrad Becker, the director of the World-Information.Org, called for universal "Digital Human Rights". The purpose of these emerging rights, he argued, was to "ensure

that every human being may participate in this medium of digital intercommunication and use its potential freely and unrestrictedly". The basic digital human rights would include the right to access to the electronic domain, the right to privacy, and the right to freedom of expression and association online.² Further I will provide a brief overview of the European Court of Human Rights' (ECtHR) case-law where the Court had a chance to address some of these digital rights and the transgression of human rights in the context of new technologies and digital communication.

Along with the cases regarding ill-treatment in pre-trial detention, lack of medical assistance in prisons and involuntary institutionalization, the ECtHR is now asked to determine whether there is a right to an unrestricted access to the Internet,³ whether GPS tracking is contrary to a right to respect for private life⁴ and whether national authorities have a positive obligation to protect us from spam.⁵

A few months ago the ECtHR found that blocking access for all Turkish-based Internet users to the entire Google Sites domain amounted to a violation of the right to receive and impart information regardless of frontiers. The ECtHR reiterated that access to online content greatly contributes to improving the public's access to news as well as expressing and disseminating their views. The Internet, according to the Court, has now become one of the main ways in which people exercise their right to freedom of expression and information.⁶

In the most recent Internet-case, two co-founders of The Pirate

Bay, convicted for complicity to commit crimes in violation of the Swedish Copyright Act, alleged an infringement of "the right to offer an automatic service of transferring unprotected material between users". Notably, the Court agreed that the European Convention of Human Rights, drafted in 1960s, indeed guaranteed such a right. However, since sharing of copyright-protected movies, songs and other materials using Bit Torrent protocol violated the rights of the intellectual property owners, Sweden had legitimately convicted both co-founders. On a side note, both of them were sentenced to one-year-imprisonment and ordered to pay 3,3 million euros in damages.⁷

Equally, a rapid expansion and sophistication of modern technologies challenges our traditional understanding of a right to privacy. In early days, trespass, assault, or eavesdropping were considered as the gravest intrusions of one's privacy.⁸ What about modern, even more intrusive technologies?

In 2003 the ECtHR ruled that a disclosure of medial footage filmed in a street by a closed-circuit television (CCTV) camera, which showed a person attempting to commit suicide, constituted a serious and unjustified interference into that person's private life.⁹ In 2008, the question arose whether the indefinite retention of fingerprints, cell samples and DNA profiles on the national database was in line with the private life guarantees. The ECtHR considered that a state claiming a pioneer role in the development of modern scientific technologies bore special responsibility of striking the right balance between public interest in

using them and a private interest in privacy.¹⁰

This modest case-law digest illustrates a range of emerging questions national and international courts are expected to address. It also feeds into a broader discussion of how a merger of real and digital worlds affects our understanding of what human rights are. How to reconcile the side-effects of an extensive human rights proliferation with a growing demand for a legal regulation of digital technologies? Do the digital rights reduce human rights to "a body without a soul, without a political vision or moral purpose"?¹¹ What does it mean to have a universal, equal, inalienable right to access and use the Internet, a right to an on-line identity, a right to on-line anonymity, network equality...?

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Fighting Sexual Assault: One University at a Time

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Universities in Budapest: Response Policies

After contacting all universities in Budapest which are not religious, only ELTE, which is now changing its Code of Ethics, and Aquincum Institute of Technology, where students can “reach staff members 24/7” replied regarding having any policies in place addressing rape. At Central European University, the only policy that exists with regards to rape is in the CEU Code of Ethics, Part VII, Article 28, 1(i). Since the word “rape” is never mentioned in the Code, we can conclude that the policy on sexual harassment covers it. In regards to handling cases of “sexual harassment”, the Code stipulates that decisions would be in the hands of the Grievance Committee and both the alleged victim and the alleged perpetrator would have an opportunity for appeal. What the disciplinary proceedings for a finding of guilt would be are not listed, leaving both

potential victims and potential perpetrators in the dark. What evidence could and could not be used in the fact-finding process is also not listed. Nothing with regards to rape prevention is laid out—no need for school administration to provide workshops, events, or education.

Effects of Improper Rape Response Policies

A recent study regarding institutional responses to rape found that “women who had experienced institutional betrayal around an unwanted sexual experience went on to suffer from higher anxiety, post-traumatic distress, dissociation, and sexual dysfunction as compared to women who had not experienced such a betrayal.”¹ It also found that “nearly half of all women surveyed indicated they had experienced some type of institutional betrayal. The most commonly reported forms of betrayal were those in which an institution failed to prevent sexual assault or created an environment where it seemed common or more likely to occur. Over half the women reported “no longer being involved with the institution that betrayed them.”² This study showed that by not instituting proper response mechanisms to rape, a university could contribute further to the victimization of survivors, which could later lead to anxiety and depression, if not suicide. However, if a university is there to show support when a survivor experiences such trauma, it can help in the overall healing process and in assisting the survivor in achieving justice.



Recommendations

Because of the dire consequences of improper rape response policies in universities, an organization was started in the U.S. in 2000 called Students Active for Ending Rape. SAFER is a student-run volunteer organization started initially by Columbia University students. SAFER has found that student input, accessibility, oversight, and community involvement are vital to better rape response policies. 85% of schools in SAFER's database now offer 24-hour crisis services. Many utilize escort services and offer free rides to students who are traveling late at night and who may be intoxicated. Since most rapes are committed by someone the victim knows, it has been shown that "it is imperative that schools implement prevention and educational programs that address acquaintance rape". This is especially vital in Hungary, as it has been estimated that in Hungary, "nearly one in three women has been subjected to physical violence by their partner."³

Other best practices include having staff that are trained to respond to rape, including perhaps a full-time staff member "dedicated to education and prevention programming" and compulsory awareness programs for students. Also vital are policies that focus on "mandatory primary prevention programs which include bystander intervention programs and working

with men to change the social norms that contribute to a culture of violence". Good policies also require that "students sign or otherwise attest that they have read the sexual assault policy" as students need to be able to know the outcomes for the disciplinary proceedings in their schools. In regards to safety, universities can hold self-defense trainings for students free of charge regularly so that students know how to defend themselves in the event of a rape.

This article calls upon the universities of Hungary to respect women's rights and put in place policies in response to rape. Hungary, as a state, has a duty to protect its citizens, and that includes its public institutions of higher learning. The best policies would incorporate 24-hour free emergency medical care, unlimited free counseling, assistance with legal advice, full-time staff to focus on prevention, bystander intervention training, and outlines for types of evidence that can never be used in the disciplinary process such as a student's sexual history or clothing. Finally, these programs should allow for students to report to both their universities and local police anonymously. We can end rape, we can end violence against women, and we can end sexual harassment: it all begins with our communities, our places of worship, our homes, and importantly, our schools.

NO means **NO**
NO never means **YES**
NO never means **MAYBE**

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Dogma in Dialogue: Crossing Religious and Cultural Divides Within LGBTQ Advocacy

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The right to religious freedom—allowing individuals to publicly or privately manifest religion through prayer, ritual, education, and worship—is a right protected around the world and recognized as fundamental by many codes of law. However, LGBTQ individuals who are religious or belong to faith-based communities face stressors and obstacles that, all too often, encourage them to either remain closeted, face the threat of ostracism from their community, or willingly abandon their faith (IGLYO 2011:3). Though unfortunately considered by some to be in conflict, faith and queer identities need not be mutually exclusive—in fact, the homophobia and transphobia practiced in many world religions are primarily legitimized not by sacred texts, but by particular interpretations held by xenophobic authority figures in the infrastructure of the religions at hand. These phobias are manifested in exclusionary practices within many of the major world religions, and such discrimination often pushes young people, especially queer youth, towards secularization.

Within many religious

communities, the practice of exclusion of and discrimination against LGBTQ individuals is not a topic for dialogue—it simply demands disconnection. Whether in the form of self-elected or mandated excommunication from the faith-based community, or worse, emotional and physical violence, many young individuals see no bridge between their spirituality and sexuality, and that disconnect can take a toll on one's mental health and personal growth. Queer individuals and the allies who also advocate for them can face multiple layers of discrimination. Ex-gay religious-based ministries can do serious psychological damage to LGBTQ adolescents who are especially vulnerable as they develop towards adulthood (Just the Facts Coalition 2008:2), yet individuals of all ages are targeted through campaigns that shame, violate, and abuse individuals into abandoning their sexual preferences.

During a recent interview with queer Muslim activist Maryam Saghir from the United Kingdom, I was surprised to see the commonalities between her experience and my own journey

to negotiate my spirituality with my sexuality. Both of us had experienced extreme levels of guilt during our coming-out processes, and experienced pressure to remain closeted or to conform to societal norms. Our processes of coming out to family, friends, and spiritual advisors were different, but equally challenging. Though many people have come to fully accept us today, the mere threat of losing the support of important mentors and role models from our faith-based communities—never mind when it actually happened—was a heartbreakingly difficult experience ridden with anxiety. Maryam said that her friends, activist allies, and some members of her family have been important in helping her feel supported and welcomed while still a member of the Muslim community and an active practitioner of her faith. I could relate to that privilege, and had a similar support network that helped me throughout the long process of coming out. Yet I took a different route in the end, virtually abandoning my faith. No longer a practicing Roman Catholic, I feel little connection to that faith-based

community in which I was raised. I might not believe in, or agree with, many of the principles of Catholicism, but I truly miss the space for celebration and worship, the encouragement faith gave me for reflection and self-development, and the positive messages of helping and supporting one another. “All too often,” said Maryam, “I come across people who identify as LGBTQ that used to identify as religious, too. They explain to me that they felt at such odds with their religion because of how their fellow worshippers behaved towards them because of their sexuality. Many of them felt the only way to deal with this was to leave their religion, even though they still believed in it and ultimately still believed in God.” I personally regret that I have lost the welcoming connections with members of that community that made me feel rejuvenated, and I know I’m not alone.

“When I contrast [my experience] to my counterparts around the world,” Maryam noted, “the realities for them are often in stark contrast. Many countries around the world still have the death penalty for homosexuality. It is for those reasons that I acknowledge my privilege and am thankful for the safe environment that I live in because my life is not at risk.” Surely, this is something for which I, too, am thankful. Yet for individuals with experiences similar to me and Maryam, the consequences can be more immediate than the threat of eternal damnation: faith is tied within a complex web of social and cultural connections among family, friends, and community, and without religion, an individual’s entire network of support can disappear.

Knowing how important spiritual health is for a full and rich life, it is time for LGBTQ advocates to embrace methodologies centered upon intercultural and interreligious dialogue. Whatever the dogma is, and to whatever degree an individual might identify with and practice that dogma, is often irrelevant: many faith-based communities offer a means for support and maintenance of spiritual health, fostering both a healthier, stronger connection to a higher power and to other individuals. The struggle to negotiate one’s identity in terms of what is mandated by different religions across the entire spiritual spectrum can be an incredible psychological burden that may lead to

extreme mental health issues, social exclusion, and violence. To address these problems, the primary goal of activists should not be to convert or to change an LGBTQ individual’s faith and beliefs, but to understand the person’s own journey and story, and to support in their spiritual practice while encouraging them to embrace their whole self, including both their spirituality and their sexuality (IGLYO 2011:20-21). Certainly, some faith communities worldwide have done groundbreaking work on a local level to embrace and include all members of their congregations regardless of sexual preference, such as within Bahá’í, Judaism, and many denominations of Christianity. Over the coming years, advocates must come together to develop techniques and tools for spiritual LGBTQ individuals and the activists who fight for their rights, to begin a healthy dialogue about acceptance and inclusion for all—because although it is becoming a norm for many LGBTQ people worldwide, abandoning one’s faith is not necessarily the right answer.

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Photo Credit:

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In the Wake of the Kenyan Elections: The Kenyan-Somali-US Triad and the Need to Reimagine Politics

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As the votes were cast and counted, it stood clear that Uhuru Muigai Kenyatta, Kenya's richest man and the son of the country's first president, was the winner of the national elections held in March 2013. The end of the voting period allowed many to finally relax after experiencing a long and tense pre-election period of fear of resurgence of ethnically framed violence.

The results, however, leave Kenya and the rest of the world with a lot to consider. Kenyatta, along with two more leading Kenyan politicians—William Samoei Ruto and Joshua Arap Sang—have been indicted by the International Criminal Court for co-perpetration and contribution of crimes against humanity committed in the post-election phase of 2007.

Kenya is a key ally of the US in fighting the "War on Terror" on the African front. Kenyatta will therefore most likely come to play an extremely important role as a collaborative partner in the US counter-terrorist operations in the Horn of Africa, while commuting to and from the trial proceedings in the Hague.

Currently, cross-border counter-terrorist insurgencies conducted by the Kenyan and US armies are continuing. Tough measures are being taken both against militiamen and civilians on both sides of the porous border, which on the Kenyan side is inhabited by approximately 90 % ethnic Somalis.

While Al-Shabaab, to which many of the Somali insurgents swear allegiance, does constitute a threat to the security of the populations of both Kenya and Somalia, the current military operations often strike at civilians who happen to find themselves in the areas framed as Al-Shabaab hotspots.

This has contributed to increasing anger and a feeling of being bricks in a cruel political game purely serving the interests of the dominant elites of the Kenyan-Somali-US triad. In addition, it may have contributed to strengthening the support for and perceived legitimacy of Al-Shabaab, which is currently one of the strongest political movements in the Horn of Africa.

Given that Kenya is the US's closest African ally and a key

partner in the War and Terror on the Somali front, it will be interesting to see how the United States chooses to align itself with Kenyatta, the new president. Since this is President Barack Obama's second and thus last term in office, a wider array of political choices are available to him compared to his previous term.

On March 5th, 2013, the eve of the elections, US Assistant Secretary of State Johnnie Carson stated that "choices have consequences," referring to the outcome of the elections. What this means remains to be seen. The United States is not party to the International Criminal Court, but does however take an affirmative stance in the court proceedings. Kenyatta has committed himself to cooperate with the ICC. Regardless of the exact nature of how the US-Kenyatta relationship will develop, it is no doubt high time to rethink political priorities.

Instead of working towards safer living conditions for the Kenyan and Somalia populations, a huge amount of resources is spent on containing piracy and fighting



Photo credit, Kenya voting: <http://www.pbs.org/newshour/rundown/2013/03/kenyan-election.html>

a protracted war that never can be resolved by violent means. A better use of these resources would be to facilitate the elimination of structural and direct forms of violence, which these populations face on an everyday basis.

What makes matters even worse is that the 2010 Holder vs. Humanitarian Law Project court case has criminalised dialogue with Al-Shabaab as well as the delivery of humanitarian assistance to Al-Shabaab controlled regions, even though expert reports confirm that this is clearly counter-productive

to resolving the intricate conflicts at hand.

If there were ever a real desire to put an end to the violence, address social justice issues, and pursue a politics of and for humanity, the kind of selective engagements that the US unsurprisingly has on its current agenda will not yield the results so direly needed.

As long as the American “War on Terror” politics continue to take the shape of theatrical performances conducted in its own inhumane version of the national interest, we unfortunately cannot expect any

change in behaviour from the top-down.

What we can hope for though, is that the millions of people in the region continue to help each other in rebuilding their lives and make peace and positive contributions beyond immediate clan interest.

Great efforts as well as potential have already been seen on a grassroots level. Now it is up to the international community and the nation-states in question to support those locally driven projects, not to work against them in direct and indirect ways.



Photo credit, Uhuru Kenyatta casts his ballot: <http://news.yahoo.com/kenyatta-takes-early-lead-kenya-counts-votes-045727030.html>



Teaching as Activism? Why Not

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When one thinks of teaching, “activism” is probably not the first word that comes to mind. It is not the first word that comes to *my* mind for sure. The connection between the two may not be a very obvious one, yet it remains an important one to make.

Why? Because if activism is ultimately about empowering people and striving for equal opportunities for all, then it shouldn't be hard to see how teaching falls into this category.

My experience with teaching as activism came when I spent approximately eight months in Thailand, volunteering as an English teacher with an organization that provides free education (including room and board) for a group of unprivileged children. These children come from several hill tribes from the north of the country.

Educating children certainly doesn't sound like a bad thing to do to begin with. Yet there is more to it, which took me some time to realize. But let me be more specific. As it often does, it took other people to point out to me the deeper connection between teaching and activism. I was already secretly hoping that I had made more of an impact on these children than I had expected to and that perhaps they took more from my teaching than just the academic knowledge itself – how it should be with any kind of formal education, in my opinion. But it really hit me only through comments made by others: when those I met would tell me how great it was that I had contributed to these children's opportunity to attain further education. Upon hearing these words, I realized that

I had in fact achieved this goal, and I knew this was important. But I never thought of that as of a form of activism.

It should be motivating to think about education as a form of activism. Education, without a doubt, is one of the ultimate tools to empower people and ensure some sustainability in the process. Who knows, maybe fully realizing its intrinsic and instrumental value can encourage more young people to pack their suitcases and discover themselves as teachers. Maybe “*just* teaching kids” will lose the “*just*” at some point.

It's not a heroic choice, to teach, at least not in the traditional sense of the word “heroic”. It definitely lacks the image of an adventurous vagabond, although the two can be easily combined. What is important is not to underestimate the impact you can have on someone's life. Fortunately, this is very general: it manifests itself in things as simple and cost-free as being nice to the people around you. Teaching someone kindness, after all, is not an easy task for sure, but perhaps the most worthwhile.



Natalia Mileszyk
Human Rights LLM



Europe versus Facebook: Personal Data Endangered

We all know that: ‘if you’re not on facebook, you don’t exist,’ so many of us continue using our accounts not only to communicate with others, but also to keep our peers updated about our lives. And we voluntarily reveal a great number of personal data—photos, videos, comments and opinions. Our activity online also makes it possible for companies to monitor our consumers’ behavior (what we like) and the character of our social network—how intensely we interact with certain people, how developed our network is, what denominators connect us with others.

Protection of personal data is among the rights provided in the Charter of Fundamental Rights of the European Union (Art.8).¹ Personal data may be gathered only for stated and legitimate purposes and should be used accordingly. According to the Data Protection Directive,² data controllers (entities gathering data, such as Facebook) are required to inform users when they collect personal data. Moreover, certain obligations are imposed upon them, such as that to provide a copy of this data in intelligible form or to delete, block or erase the data upon request. No data can be retained for an unlimited period of time.

Max Schrems, an Austrian law student, asked Facebook to send him all his personal data that had been retained by the company—he received in reply a pdf document containing 1,200 pages. All his activities had been tracked—to his surprise, this included those messages and statuses that were deleted, or even

removed photos tags and friends. The other information contained IP addresses of every machine from which he had ever accessed his Facebook account as well as his locations as determined by various data, such as IPs and photos.

“Personal data is the ‘oil’ Facebook is drilling for—they might not have the best motor to burn it yet, but they know it will be coming,” according to Max Schrems.³ His ‘experiment’ inspired him to establish a new NGO, Europe versus Facebook, that launched several campaigns to advocate for privacy protection in social networks. It sent complaints to the Irish Data Protection Commissioner (Facebook Ireland Limited is the entity representing Facebook in Europe⁴) and encourages people to request their data.

The Irish Data Protection Commissioner published the results of the audit of Facebook in December 2011⁵ with some non-binding recommendations related to privacy policy. The re-audit report was presented in September 2012, and its drafters are very enthusiastic about changes in Facebook privacy policy.⁶ *Europe versus Facebook* still has some allegations against the company, most notably that the privacy policy is too broad and vague and that there is no practical possibility of deleting data. The procedure remains ongoing—in short, it looks as though the Irish authority is against challenging Facebook policy and the case will end in court.

The whole situation regarding social disagreement about Facebook policy is a result of different approaches to access to personal data in the US and Europe—but Facebook operating in Ireland is obligated to fulfill EU requirements in this area. Until now, the only sanction that might be applied in Facebook's case is a declaration by any data protection agency that the company does not comply with European law (this can influence the brand position)—there is no possibility of holding Facebook financially liable. And therefore Facebook does not look too eager to accept high European standards of data protection—simply the businesses calculations of costs and benefits supports sticking to US standards.

Data retention policy is not the only concern related to Facebook privacy policy (another vividly discussed issue is target advertising on the basis of “likes”—European law requires prior consent of the individual). Of course, Facebook is a monopolist among social networks and deleting one's account (by the way, doing so does not mean that data are deleted, simply frozen) can amount to “social suicide.” But social awareness of rights in the online environment is the only possible trigger of any changes. If you want to obtain your data from Facebook (various ways are possible), check out *Europe v. Facebook* webpage: <http://europe-v-facebook.org/EN/en.html>.

Photo Credit:
<http://mashable.com/2012/05/03/facebook-privacy-concerns-study/>

ENDNOTES

- 1 Charter of Fundamental Rights of the European Union (2000/C 364/01). http://www.europarl.europa.eu/charter/pdf/text_en.pdf
- 2 Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data
- 3 “How much data did Facebook have on one man? 1,200 pages of data in 57 categories” by Olivia Solon, published on 28 December 2012, <http://www.wired.co.uk/magazine/archive/2012/12/start/privacy-versus-facebook?page=all> accessed on 10 March 2013
- 4 Facebook's Terms, Chapter 18. “Other”
- 5 Available at: <http://dataprotection.ie/documents/facebook%20report/final%20report/report.pdf>
- 6 Available at: http://www.dataprotection.ie/documents/press/Facebook_Ireland_Audit_Review_Report_21_Sept_2012.pdf



The Icelandic delegation at CISV Sweden 2012

CISV always welcomes new volunteers; if you are interested in becoming a part of our organization please visit www.cisv.org to find out more.



http://upload.wikimedia.org/wikipedia/commons/a/a7/Logo_cisv.png

SPOTLIGHT:

CISV International, Peace Education Programmes for Youth throughout the World

Guðrún Rós Árnadóttir

MA Student, Nationalism Studies Program



Throughout the month of July 2012 I was fortunate enough to participate as a leader at a CISV program for fifteen-year-olds in Stockholm, Sweden. In March 2012 when I was selected to be a leader, I immediately began to get to know my delegates (two boys and two girls from Reykjavík, the capital of Iceland). In order to ensure that they grew close as a group, it was essential that I get to know their families and that we all meet up together. Additionally it was my responsibility to ensure the delegates understood what their rules would be at camp. Although the preparation process was a lot of

work, it was completely rewarding. The by-product was not simply that we arrived prepared, but also that there was a strong element of trust that was built through this process between our whole delegation and our families. We planned and played and planned some more and quickly July arrived.

Once July arrived we were excited and ready to go! After the travel from Reykjavík to Stockholm we arrived at the campsite where we would all live, eat, play, learn and laugh together for the next three weeks. Countries represented were Mexico, Brazil, Guatemala, USA, Canada, Jordan, Sweden,

Iceland and Portugal. Our program kicked off, and we all immediately began to form strong bonds and fond memories of each other. These intense connections were in spite of our cultural differences and language barriers—herein lies the power of CISV. Through educational activities planned by the youth delegates and facilitated by the leaders, we quickly realized we had many more similarities than differences. Departure day from camp was a very emotional and difficult day for everyone, yet I reflect upon the overall experience as one of the most positive and rewarding experiences of my life.

CISV educates and inspires action for a more just and peaceful world. As an international Peace Education organization, CISV inspires action through our community of volunteers worldwide and our global network of local Chapters, educational programmes and projects. In the belief that our Peace Education experience is something everyone can gain from, we have programmes for all ages, starting with 11 year old children.

—CISV international

Story of Success

THE VAGINA MONOLOGUES is the award-winning play based on V-Day Founder/ playwright Eve Ensler's interviews with more than 200 women. With humor and grace the piece celebrates women's sexuality and strength. Through this play and the liberation of this one word, countless women throughout the world have taken control of their bodies and their lives.

The play this was performed twice by 17 student volunteer-actresses in CEU's auditorium to sold out crowds. HRSI and members of the Vagina Monologues cast held 6 days of info tables to raise awareness about the Vagina Monologue's goal as well as for interested members of the CEU community to reserve passes for the play. More than 350 spectators attended the performances and donated a total of 224 000 HUF.

In March 2013, the HRSI team produced performances of the Vagina Monologues, staged at CEU for the 5th time.

The proceeds from this year's performances were donated to HaNEM (Homeless Women for Each other) to be used for empowerment training for homeless women. This training was co-organized with NANE and will take place over 8 months through 16 meetings. Therefore, besides awareness-raising among the CEU community, this campaign will have a direct impact on homeless women of the local Budapest community as the proceeds facilitate training for this target group.



Photo by Marianna Szczygielska

Educating Men: Equality and the Institution

Frank G. Karioris



Since its origin as a solidified and structured institution, education has existed for and been controlled by men—often to the great exclusion of women and minorities. In addition, it has been manifest in, and perpetuating, the formation of class systems.¹ In other words, one can understand education as an institution as both a construction of certain versions of masculinity, and, at the same time, as an embodiment of a notion of masculinity. In another way, education as a process can be seen as both the creation of the subject and part of the subject itself.²

This is not, by any means, a revelatory statement, but what is crucial in stating this is that it brings to the fore the role that institutional education plays in the formation of men specifically. From there, we can not only see education as masculine, but also look beneath it and begin a process of asking how then we are educating men, and, more importantly, how we might be miseducating men.

In many human rights and development discourses, questions about education revolve not around the miseducation of men, but rather the diseducation of women.³ This is, of course, an important question, but one which stops short of changing the overarching institution of education, and by extension, reshaping the broader system of power and inequality. To ask for inclusion as an equal into an institution which creates

inequality is to misplace the locality of equality. It is, further, a simplification of the way education shapes the individual and society, and specifically the way it purposes individuals, most often men, as collaborators and reproducers of itself.

All of this is crucial not for philosophical notions of the subject of education, but instead for the practical implications this has for activism. If one recognizes the reproductive nature of education, in line with that of the ‘church’ or the ‘state’, then one should see this as fertile ground for activist interventions. A mentality that women should be included in education is embodied in the “Education for All (EFA)” program that is prominent in both the U.N. and the Millennium Development Goals, which express this aim within the framework of human rights.

The 2012 World Development Report (WDR) follows the EFA line, fixating upon the education of women.⁴ That said, it also states an important fact which is crucial to equality--the fact that the more education men have, the more open they are to ideas about gender equality. While counter to the broader discourse surrounding education currently, calling for more education for men is not counter intuitive. This is important for a number of reasons: first, it makes a statement about the current ideology surrounding education and the politics which have fixed the gaze away from a positive image of men and abandoned



Photo credit: <http://www.genderandeducation.com/wp-content/themes/gazette/thumb.php?src=http://www.genderandeducation.com/wp-content/uploads/2011/10/gendergap.jpg&h=180&w=250&zc=1&q=90>



them to a fate of failure. More importantly, it points towards a commentary on the importance of education for men and dispels any given notion of essentialist masculine identity while reinvigorating the idea that men can and must be educated into the community of human rights and gender equality.

If we see the education of men as a key turning point towards gender equality, the institution of education can be called into question and reshaped. In doing so, we can then begin to tackle inequality within education. Through this shift, we can move the discourse outwards, changing the current practice of seeing education uncritically, which thereby reproduces inequality through education in the hope of negating inequality beyond education. In metaphoric form, as dangerous as metaphors are, rather than asking for the doors of the classroom to be opened, we should tear down the walls and open up new possibilities for those previously inside while simultaneously granting those outside the right to education.

ENDNOTES

- 1 Pierre Bourdieu and Jean-Claude Passeron, *Reproduction in Education, Society, and Culture* (London: Sage Publications, 2000).
- 2 Judith Butler, 'Imitation and Gender Insubordination', in *inside/out: Lesbian Theories, Gay Theories*, ed. Diana Fuss (London: Routledge, 1991), 24.
- 3 One see some background information in relation to the discussion of men in education in R.W. Connell, 'Cool Guys, Swots and Wimps: the interplay of masculinity and education', *Oxford Review of Education* Vol 15 No 3 (1989), 291–303.
- 4 Much of this information comes from: Frank G. Karioris, 'A look at how men's education is portrayed in the World Development Report 2012 on Gender and Equality, and where it fails', on XYonline.net. [Accessed March 2013]. Available at: <http://xyonline.net/content/look-how-men%E2%80%99s-education-portrayed-world-development-report-2012-gender-and-equality-and-whe>.

HRSI: from Academia to Activism

The Human Rights Initiative is committed to promoting human rights, collaboration, cross-disciplinarity and critical thinking, with particular emphasis on youth activism and networking. HRSI aims to bridge the worlds of academia, policy, and activism by organizing campus-wide events that encourage awareness and action on human rights issues. By engaging with local civil society and utilizing CEU's academic and human resources, HRSI turns its initiatives into effective tools to further social justice.

HRSI's programs and activities are built in such a way that every student, faculty, and staff member can contribute, make their voices heard, learn more about different aspects of human rights, and become multipliers of this knowledge and experience. At the same time, HRSI's effective networking with local and international NGOs based in Hungary allows students to draw parallels between the Hungarian context and their home countries, as well as to volunteer and undertake internships. HRSI's flexibility permits reflection and democratic discussion on urgent global and local issues and enables awareness raising activities through ad-hoc events. HRSI aims to cultivate and promote active citizenship so that CEU students develop the tools and experience to promote human rights while also increasing their potential for employment after graduation.

HRSI is a very dynamic unit that never stops exploring new approaches to civic activism, engaging CEU students, and expanding its network. Coming from diverse backgrounds and different experiences, the HRSI team and Board members share common values such as respect of human rights, dedication to combating inequality and discrimination, and respect for other people's voices—the principles which constitute the core of HRSI's shape, agenda, and strategy. During 14 years of work, HRSI has accumulated valuable sources on human rights activism, covering such areas as campaigns, workshops, internships with NGOs, credited courses at the Legal studies department, public lectures, roundtable discussions, food and clothing donation drives, theatre performances, and the publishing of a journal. Moreover, every new generation of fellows enriches this existing knowledge database with fresh ideas and initiatives.