

# THE ACTIVIST

**CEU** CENTRAL  
EUROPEAN  
UNIVERSITY

HRSI's annual human rights journal

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# Editorial

The mission of the journal has always been to showcase a diverse set of human rights issues while being a platform for students to hone their writing and publishing skills.

In pursuit of this mission, the journal content this year ranges from discussion on broad concepts to very specific research based pieces focusing on particular regions. The articles have been arranged alphabetically to avoid any partiality to authors. Our hope is that this edition educates and inspires you to contemplate on the issues that plague our society and debate on how we can induce positive change.

The journal was managed by four chief editors this year, instead of two – an initiative supported by HRSI that we can gladly proclaim has paid off. It led to a spate of new ideas that poured in during our brainstorming sessions. Due to technical and budget constraints, we could not implement them all but we are glad to introduce the Editor's Pick section for the first time, and hope that future editorial teams will build on this idea.

The section highlights an article that scored high on originality and specificity of content, quality of photographs and draws attention to issues that are not prominent otherwise. The se-

lection was a difficult phase as we realized the tremendous amount of effort that each author had poured in to their research, structure and language. Congratulations to Laura Schelenz, Ekaterina Efimenko, and Emma Varnagy for making it to the first-ever Editor's Pick list.

We would like to thank all the authors who submitted their articles in the preliminary call for submissions and encourage them to send in their contributions during the next year. We are also very grateful to the team at HRSI for their continuous support. And lastly, this edition wouldn't exist without our team of proofreaders and editors who set aside schoolwork to polish the content – thank you so much!

We hope our readers enjoy reading the journal as much as we enjoyed bringing it to life.

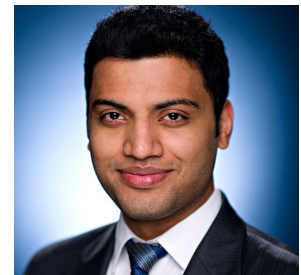
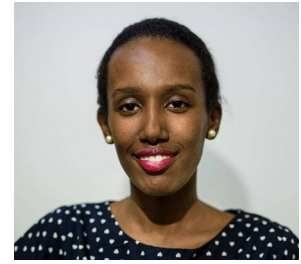
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Top photos: Altayesh Terefe, Anne Hardt  
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**ABOUT HUMAN RIGHTS INITIATIVE** The Human Rights Initiative (HRSI) is an awareness raising and capacity building organization based at Central European University (CEU) in Budapest. It was founded in 1999 by the students of the CEU Legal Studies Department, Human Rights Program. Since then it has grown into an internationally-recognized human rights organization, focusing on youth involvement, informal education and 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 NGO staff and activists.

**THE ACTIVIST TEAM** **Altayesh Terefe**, Editor-in-Chief; **Anne Hardt**, Editor-in-Chief; **Joshua George**, Editor-in-Chief; **Saman Sardar**, Editor-in-Chief; **Lauren Hosp**, associate editor; **Meagan Patterson**, associate editor, proofreader; **Tabitha Taylor**, proofreader; **Maria Evangelia Garaki**, associate editor; **Faith Bailey**, associate editor, proofreader; **Tanner Stout**, proofreader; **Brandon Blodgett**, associate editor, proofreader; **Vilius Kubekas**, associate editor, proofreader; **Robin Fraiture**, associate editor, proofreader; **Janice Ayarzagoitia**, associate editor, proofreader; **Victoria Apostol**, designer, HRSI project manager.



# Azerbaijan with Political Prisoners: The Political overtones of Civil Freedoms and Democracy

**Saman Sadar** critically assesses the state of democracy in Azerbaijan and the meaning behind the release of 14 political prisoners.



Events in Azerbaijan have taken a very interesting turn in the recent months. On 17 March, 2016 Baku pardoned 148 detainees, including 14 political prisoners.<sup>(1)</sup> The first week of April started with a fully blown out frozen war on the Nagorno-Karabakh frontline. Whereas, on April 4, Azerbaijan's ruling family got featured in the Panama Papers' leaks <sup>(2)</sup> which have taken many across the world by rage. Although, for the European Union (EU) these events challenge the core values of freedom and

*While the release of 14 prisoners is a big step forward for human rights in Azerbaijan, the strategic character of the pardon sends a strong message about government's inclination to advance its own agenda.*

respect for human rights, especially today they rise in the backdrop of Europe's instability, its non-confrontational policy with Azerbaijan, and meagre efforts to underline the importance of human rights in the continent. What does any of this has to do with curbing political freedom, or for that matter, any freedom in the mentioned country? While the release of 14 prisoners is a big step forward for human rights in Azerbaijan, the strategic character of the pardon sends a strong message about government's inclination to advance its own agenda. Khadija Ismayilova, a former Azerbaijani journalist imprisoned for investigating high-level corruption within the government and family of President Ilham Aliyev, is among those who still remain in prison.

Ismayilova writes that Aliyev has refused to succumb to international pressure on the issue of political prisoners for years by refusing to acknowledge that the country even has political prisoners; hence, this sudden pardon implies his intent to advance his own foreign policy agenda, especially given Azerbaijan's failing currency and crippled economy after the fall of oil prices. <sup>(3)</sup> Another indicator of this impending crisis is that, Baku has recently begun talks with the

International Monetary Fund (IMF) which may eventually lead to a request for monetary assistance. Detaining citizens for politically motivated causes is an absolute infringement on a country's democratic values.

In Azerbaijan, political opposition and hegemonic authoritarianism hide in plain sight, like most post-Soviet spaces.<sup>(4)</sup> Ever since its independence from the Soviet Union in 1991, Azerbaijan has been shadowed by a dilemma of forming its political identity after the vacuum left by the Soviet ideology. In theory, it is the lack of this political identity that maintains authoritarianism in a hegemonic regime. In practice, it is either violent repression or long-term institutionalized co-optation that is central to sustaining regime security.<sup>(5)</sup> Employing such tactics lets opposition groups to exist as technically legal, yet ineffective.

In Azerbaijan, this issue plunges deeper than just putting threatening opponents in legal detention, and is a characteristic of many 'democracies' around the world. It questions the character of democracy and draws attention to its political overtones that are relevant for consideration by political philosophers, policy makers and leaders of the world. Bringing attention back to human rights abuse Azerbaijan, even after





*Aziz Karimov, "Stop political repression," at opposition rally in Baku, Azerbaijan in April 2015.*

the recent generous pardon there are many more detainees who still languish in prison, most of them in anonymity. And everytime the stakeholders and influencers remain silent when something like that happens, they become unwilling combatants in a long war against freedom and democracy in Azerbaijan. Human rights defenders, civil activists and freedom fighters get reduced to precious political possessions of the regime, vital to maintain its authoritarian he-

gemony. Adding to that, Azerbaijan has a very turbulent relationship with the EU, one based on pure political altruism. The current relationship, however, is under duress due to a failure to meet each other's expectations. Baku's recent dissatisfaction with EU can be attributed to a number of factors. The slow progress in resolving the Nagorno-Karabakh conflict as well as the bilateral energy cooperation lacking Brussel's support for the Southern Gas Corridor (SGC) which is of vital im-

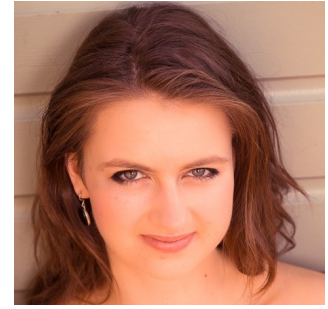
portance to the country, shows that Azerbaijan is only willing to cooperate with EU only its own terms. In that relationship, it wants to emphasize security and energy issues, while eschewing democratization. The recent release marks a great turn for advancing human rights in Azerbaijan. National Human rights NGOs claim that the arrests should never have happened in the first place. However, is a retroactive dialogue a solution to the problem? What will it take for Azerbaijan to be the democracy it claims to be? It is a question that the human rights discourse is keen on solving, yet it is also a question that keeps on generating more questions. The important thing for EU is to reassess how far it is willing to go turning a blind eye to Azerbaijan's defiance of laws that obstruct the functioning of international human rights mechanisms and development of democracy. It is not a new question, but it is a question that needs to be asked again and again until it stops falling on deaf ears.

## FOOTNOTES

1. BBC, "Azerbaijan leader pardons 148 prisoners, including activists", BBC Europe, 17 March 2016.
2. Will Fitzgibbon, Miranda Patrucic and Marcos García Rey, "How Family that Runs Azerbaijan Built an Empire of Hidden Wealth", The Panama Papers, 4 April, 2016
3. Khadija Ismayilova, "Don't let Azerbaijan use political prisoners as props", The Washington Post, 31 March 2016.
4. Armenia, Georgia, and Tajikistan – former Southern republics of the Soviet Union also witnessed a strengthening tendency back towards authoritarianism after democratization came to be equated with civil war, economic collapse, and general deterioration of conditions. (E. Cornell, 2011)
5. Jody LaPorte, "Hidden in plain sight: political opposition and hegemonic authoritarianism in Azerbaijan", Taylor and Francis Online, 10 September 2014

# Gender-based persecution: a call for change in asylum law

**Tamara Stupalova** sheds light on the conditions female refugees are facing and makes a call for the improvement of the international system in place.



While the majority of refugees are fleeing war and political unrest, some refugees are survivors of more particular, gender-based persecution. While any person may be persecuted for reasons of their gender, or their perceived gender, most people affected by gender-based crimes are women. Under international law, there is no clause to specifically recognize persecution on the grounds of gender, and despite the United Nations efforts, individual countries often do not follow UNHCR's recommendations on handling gender-based refugee claims. As a result, the recognition of gender-based claims has been patchy. This article presents several proposals that would strengthen international protection as well as facilitate women's access to justice, especially when faced with gender-related persecution.

## The legal framework

Under the Geneva Convention Relating to the Status of Refugees, refugee status can be granted to an applicant if she or he faces a well-founded fear of persecution based on the grounds of race, nationality, religion, political opinion, or membership of a particular social group. It can also be conferred on to an applicant if they face a real risk of being subjected to serious harm.

Some types of gender-specific persecution, such as sexual violence, FGM and forced abortion, have been more traditionally recognized when granting international protection. FGM, for example, is mentioned in the EU Qualification Directive as a case of per-

secution for the motives of a particular social group, and it is also referred to as a precedent for "serious harm," qualifying the applicant for subsidiary protection under Art. 15 of the EU Qualification Directive. In spite of this, FGM survivors frequently experience procedural struggles when establishing facts and acquiring protection (Flamand 2015). In cases of other types of gender-based violence, such as domestic abuse, applicants have an even tougher time securing protection. Domestic violence is often perceived as a "private matter," which is not

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International Women's Day in Mahama Camp, Rwanda: [http://www.unhcr.rw/IMG/jpg/iwd\\_pic\\_for\\_website.jpg](http://www.unhcr.rw/IMG/jpg/iwd_pic_for_website.jpg)



supported by a legal system and hence does not constitute persecution (Bahl 1997).

### The Flaws in Refugee Law

One of the main flaws in asylum law is the fact that it does not directly consider women as a particular social group who can face gender-based violence, nor does it establish gender-based violence as a form of persecution. Women are hence required to fit criteria that were not designed with their needs in focus: it is their burden to establish the nexus between their gender-specific persecution and asylum law.

Despite the absence of a specific category, many applicants have based their gender-specific claims on the grounds of the membership in a particular social group. In the US, such claims have been subject of great inconsistencies: some have been granted, but only through a complex legal logic, whereas others have been denied (Musalo 2010). In other instances, applicants have framed their claims on the basis of political opinion or religion, such as an opposition to the Muslim laws that are subjugating women. Yet, the chances of a woman having her application recognized on gender grounds often depends on her ability to access quality lawyers.

The disparities in asylum law and refugee status determination procedures among individual countries present a further challenge. While in the US and Canada, the treatment of gender-based claims is improving, generally this has not been the case worldwide. The level of independence granted to governmental departments making ref-



Children play at a refugee camp in Jordan.  
[http://farm9.static.flickr.com/8651/16733710571\\_92359ebac6.jpg](http://farm9.static.flickr.com/8651/16733710571_92359ebac6.jpg)

ugee status decisions significantly impacts the outcomes of gender-based claims. States should nonetheless be held accountable for such shortcomings: failing to effectively respond to the needs of women, by not providing an infrastructure for protection as a state or by not enforcing the current system in place to protect women, is essentially a form of state persecution (Bahl 1997).

### Policy Solutions

#### I. Redefining asylum law

Women should have the opportunity to apply on gender-specific grounds when seeking international protection. Hence, current international refugee law should be amended by recognising that gender persecution constitutes legitimate grounds for granting of refugee status. Special guidelines should be delivered with regards to crimes occurring in the domestic sphere. States working under the UN refugee framework must be encouraged to implement amendments in their respective laws and refugee status determina-

tion practices, and be held accountable for adhering to them. To ensure effective implementation, training should be provided to government officials to correctly handle procedures. II. Strengthening gender-sensitive procedures

#### II. Strengthening gender-sensitive procedures

More attention needs to be paid to ensuring gender-sensitive procedures during asylum claims. An asylum seeker should always be able to request a female interviewer and interpreter during the interview stage. This is particularly important in cases where applicants might be required to recount physical, psychological and sexual abuses in order to qualify for asylum. It is essential to develop gender-sensitive guidelines to be applied when processing asylum claims, and to provide training on such matters to staff handling asylum cases. Equal rights and treatment should be granted to all applicants presenting gender-based claims in front of authorities.



## Conclusion

It is evident that the current international refugee system as well as the practices at immigration courts do not adequately address gender-based persecution. It is imperative that the international community steps up to amend international refugee law, oversees its implementation in individual countries, as well as guarantees that best practices in the handling of gender claims are being upheld. Only in such a way, the rights of refugee women will be granted.

## ENDNOTES

Bahl, Anjana. Home is Where the Brute Lives. Asylum Law and Gender Based Claims of Persecution. Cardozo Women's Law Journal, Vol. 4, No. 33, pp. 33-73 (1997).

Flamand, Ch. FGM: Challenges for Asylum Applicants and Officials. Forced Migration Review, Vol. 49. May 2015.

Musalo, Karen. A Short History of Gender Asylum in the United States: Resistance and Ambivalence May Very Slowly be Inching Towards Recognition of Women's Claims. Refugee Survey Quarterly, Vol. 29, No. 2. UNHCR (2010).

# How Trump is Changing America

**Strahinja Subotić** demonstrates how Donald Trump's radical stances endanger democratic values.



I wish to present how Donald Trump's actions in the election cycle have been changing America while using a wide anti-minority rhetoric. Initially he was only one of many candidates who were running for the presidential nomination of the Republican Party.

Now, most of the other candidates are gone from the stage and Trump is getting closer to winning the nomination. By having radical stances and energetic performances, he has stood out from other politicians and has received world-wide media coverage. This kind of unprecedented attention turned out to be beneficial for his ratings, but damaging for the minorities in the US.

Trump became an agenda-setter by acquiring enough support of the people and enough media coverage to ensure that anything he says is bound to be a matter of a public debate. He manipulates the

current situation in order to put forward only certain issues and to promote a specific discourse. With the exception of ISIS, all the other dominating questions have been mainly brought up by Trump: the wall at the Mexican border, immigration and refugee policies, and the discourse regarding Muslims. If we look closely, we can see that all of the issues brought up by Trump are actually directed towards minorities. Trump has created a discourse that portrays Muslim, Mexican, and African American minorities in the United States in a negative manner. In the following section I will focus on damages inflicted upon the Muslim American minority.

### Creation of a Discourse

Discourse is a product of contextualization, where the agent frames the current situation in a specific way that allows the agent to interpret and provide his version of the 'truth'.<sup>(1)</sup> In

my opinion, Trump has been disfiguring reality by creating a specific discourse that has boosted Islamophobia, racism, and xenophobia. Van Dijk explains the potential dangers of a discourse: "[A]lthough discourse may seem just 'words' (and therefore cannot break your bones, as do sticks and stones), text and talk play a vital role in the reproduction of contemporary racism".<sup>(2)</sup> Consider the following examples of Trump's rhetoric:

*Trump has created a discourse that portrays Muslim, Mexican, and African American minorities in the United States in a negative manner.*

"Did you ever see a migration like that?" he said. "They're all men, and they're all strong-looking guys... [T]here are so many men; there aren't that many women".(3)

"The number I am hearing is inconceivable. You know, it started off with 10.000. The other day I heard 200.000".(4) Later on, he added that there might be a 200,000-man army.(5)

By using simple language and by being emotional and repetitive, Trump framed the discourse to equate the majority of refugees with terrorists, or to be more precise, with members of the Islamic State. As a result, Muslims are indirectly portrayed as potential threats to the national security. Additionally, the members of Muslim minority in the US are seen as potential collaborators. The result is simple: if A equals B and B equals C, then A equals C.

We can interpret Trump's discourse as the following: if refugees are Muslim, and if some Muslims are terrorists, then refugees are likely to be terrorists. Trump's discourse on Muslims blurs and interconnects these concepts and his supporters are thus unable to differentiate between them. This enabled Trump to propose a banning on entrance of Muslims to the US

without losing any support. By deliberately using misinformation and exaggeration, Trump creates simplified identities in order to inspire fear. By doing so, he portrays himself as a protector of the national security and therefore as a person people can trust.

### Radicalization of a Society

Things are getting out of hand. The consequences of Trump's discourse are already visible and affecting minorities in the US. Consider the following examples: A Trump supporter spat on a Latino protester at the rally and Trump did not do anything to address it;(6) one Black lives matter activist got punched and kicked by Trump's supporters at a rally and Trump said, "maybe he should have been roughed up";(7) a Muslim woman wearing a hijab was kicked out from Trump's rally, even though she was simply standing silently and Trump endorsed this by not trying to prevent it.(8)

Based on the previously mentioned examples, we can see that there is an increasing public animosity against Mexican, African-American and Muslim minorities. It tells us a lot about how the democratic political culture in the US is



American-Muslim  
<http://muslimvillage.com/2011/06/08/10771/time-for-muslim-americans-to-step-up/>

*Things are getting out of hand. The consequences of Trump's discourse are already visible and affecting minorities in the US.*

declining and thus resulting in a less democratic society. Even though not all of Trump's supporters are prone to violence towards minorities, it still is alarming that they are voting for a candidate who is doing nothing to address attacks on minorities. Even if Trump does not become the President of the US, this election cycle has shown us that even the most stable democracies can be easily shaken, and how rights of minorities are always in a potential danger.

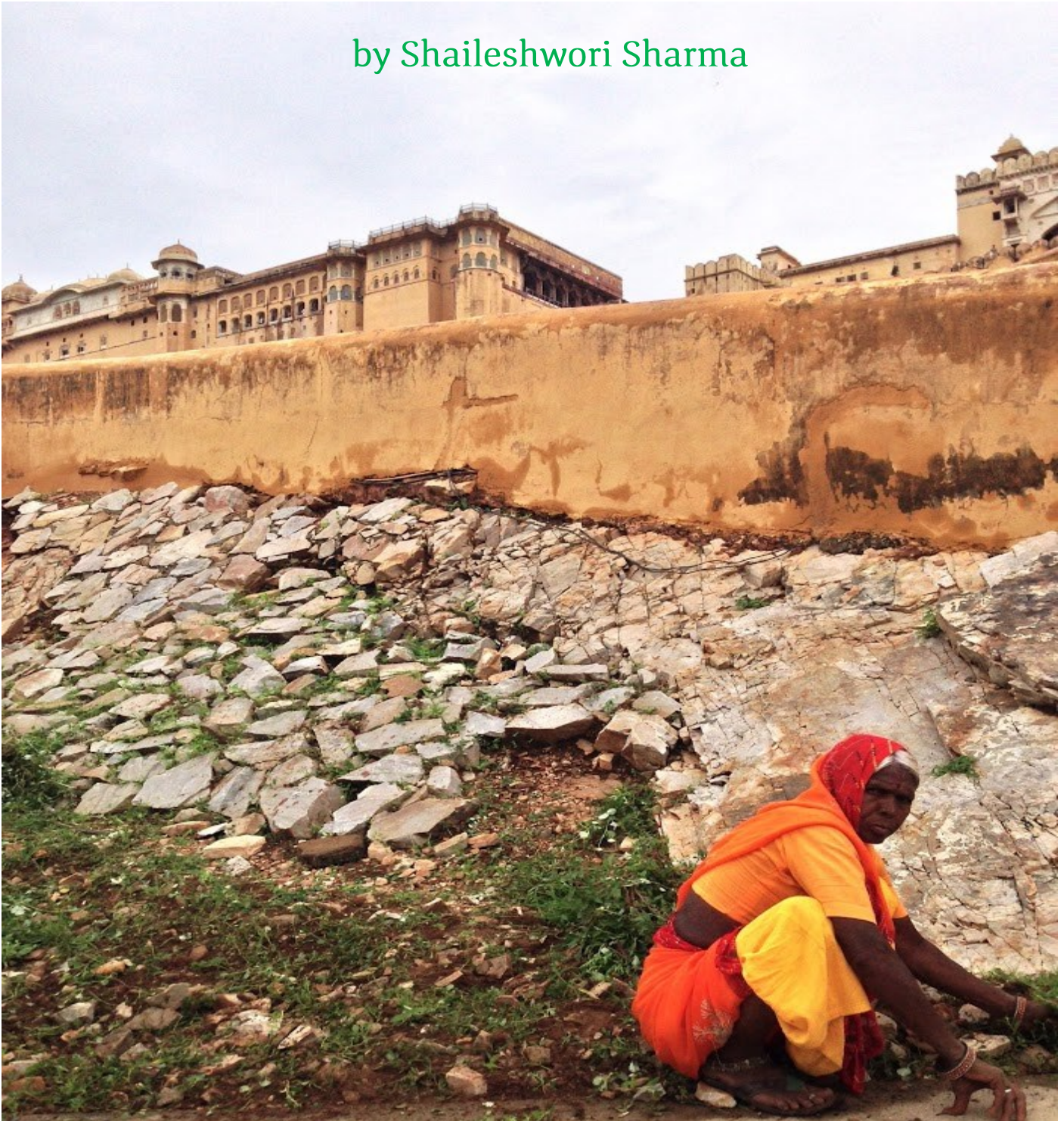
### FOOTNOTES

- 1.J.Bennett, *Moralizing Class: A discourse analysis of the mainstream political response to Occupy and the August 2011 British riots*, Discourse & Society, University of Birmingham, 2008 , p.31.
- 2.T.A. van Dijk, *Discourse and Power*, New York, Palgrave Macmillan, 2008, p.102.
- 3.A. Zucher, 'The viral roots of Trump's Syria refugee 'solution'', BBC, 1 October 2015, <http://www.bbc.com/news/world-us-canada-34397348> (accessed 31 March 2016)
- 4.D. Bloom, 'Donald Trump will send refugees back to war-torn Syria because 'they could be terrorist army in disguise'', Mirror, 01 October 2015, <http://www.mirror.co.uk/news/world-news/donald-trump-send-refugees-back-6552869> (accessed 31 March 2016)
- 5.J. Colvin, 'Donald Trump Says If Elected President, He'll Send Back Syrian Refugees Taken by the U.S.', Huffington Post, 2015, [http://www.huffingtonpost.com/entry/donald-trump-syrian-refugees\\_us\\_560cdf1be4b076812700d2d9](http://www.huffingtonpost.com/entry/donald-trump-syrian-refugees_us_560cdf1be4b076812700d2d9) (accessed 31 March 2016)
- 6.J. Silverstein, 'Donald Trump supporter curses, spits at Latino protester at Virginia rally as candidate calls Bernie Sanders a 'maniac'', NY Daily News, 15 October 2015, <http://www.nydailynews.com/news/politics/donald-trump-supporters-spits-latino-protester-rally-article-1.2398331> (accessed 31 March 2016)
- 7.J. Diamond, 'Trump on protester: 'Maybe he should have been roughed up'', CNN, 23 November 2015, <http://edition.cnn.com/2015/11/22/politics/donald-trump-black-lives-matter-protester-confrontation> (accessed 31 March 2016)
- 8.J. Johnson, 'Muslim Woman gets kicked out of Trump rally – for protesting silently', The Washington Post, January 9 2016, <https://www.washingtonpost.com/news/post-politics/wp/2016/01/08/muslim-woman-escorted-out-of-trump-rally-in-south-carolina/> (accessed 31 March 2016)



# Women (at) Work

by Shaileshwori Sharma



## Invisible

(Picture circa: August 2014)

An old woman in traditional garb plucks the grass near the stairs leading to Amer Fort in Jaipur, India. This woman in particular caught my eye because she was doing a job that is probably unnoticed by the throngs of tourist in this historic venue. But her work (and the work of others like her) helps maintain this site and its appeal. This felt like an apt social commentary of how women are part of the economy, but since their value is not comprehended fully, are left out in multiple ways through benefits and compensation (or the lack thereof) and are therefore always situated at the fringe of the formal economy.



# Intersectional Discrimination Against Women

## Possible Legal Approaches to Cases of Forced Sterilization of Roma Women

**Emma Varnagy** evaluates available options for litigating forced sterilization of Roma women.



**F**orced sterilization of Roma women prevailed under the socialist regimes of Central-Eastern Europe between the 1970's and 90's, leaving an estimated 90 000 women unable to give birth ever again according to the Czech ombudsman's findings.(1) In this period, the practice was backed by a governmental policy with the aim of reducing the Roma population, and thus the social and economic issues associated with this group.(2) Cases even from the 2000's demonstrate that despite the democratic transition and the abolishment of such policies, the practice has not changed and Roma women may still face the threat of coercive sterilization in hospitals primarily in the Czech Republic, Hungary and Slovakia.

It is of great importance to note the intersectional nature of the discrimination in these cases. These incidents happen to the victims because they are Roma and because they are women. (3) Their sterilization occurs when they are in a vulnerable situation during labor. As in most cases, they are asked to sign a consent form while going

under anesthetics or influenced by the pain of advanced labor. The consequences of the procedure are often not explained to them in a way that is easy to understand,(4) if mentioned at all. Many women only find out about the procedure they underwent by chance years later, thus there might still be a number of cases undiscovered.(5)

From a human rights perspective, the right to personal autonomy, bodily integrity, and protection of private and family life are all gravely affected.

Furthermore, this interference amounts to inhuman and degrading treatment under the European Convention of Human Rights.(6) In the following parts of this article, I will focus on the advantages and disadvantages of possible litigating strategies from the point of view of the judgments' effect on societal attitudes.(7) Sending a strong message against discrimination, especially in coun-

tries where attitudes against the Roma are so negative, is crucial. Regardless on what effect the outcome will have, it is of great importance to focus on what the plaintiff wants to achieve with the case.

There are two kinds of procedures to start litigation, one is criminal and the other is civil. The key procedural difference is the burden of proof, which means the obligation on the parties to provide evidence in support of their claims. Generally, in a criminal case, it is the prosecutor who carries out the investigation, and the victim has little chance for interference. Thus, if a question of discriminative intent arises it has to be proved beyond doubt, because it is the criminal liability of a person at stake.

Unfortunately, in the cases where the victims choose to file criminal complaints, the

*Many women only find out about the procedure they underwent by chance years later, thus there might still be a number of cases undiscovered.*



Women protesting against forced sterilization, source: Columbia Institute for Human Rights, [http://hrcolumbia.org/rightsnews/feb2012/forced\\_sterilization\\_peru](http://hrcolumbia.org/rightsnews/feb2012/forced_sterilization_peru)



Roma women in Slovakia with their children, source: Romedia Foundation website, <https://romediafoundation.wordpress.com/2013/02/07/forced-sterilization-of-romani-women-a-persisting-human-rights-violation/>

investigations are eventually discontinued at lower courts due to lack of evidence of discriminatory motives and, sometimes, even lack of a criminal offence.<sup>(8)</sup> Another problem arises due to the fact that only an individual doctor can be made liable for committing the felony, when in fact this practice is the manifestation of systemic discrimination. Arguably, the certainty and severity of punishment reflected in the conviction of a single person has deterring effects on others, however, it may fail to address the root problem.

Conversely, civil procedures offer a solution to both of these problems. The lawsuit can be brought against the hospital, but more importantly, in an alleged discrimination case, the burden of proof shifts, and it is the defendant who has to prove otherwise. Additionally, the victim has a wider role in civil proceedings to support the case with evidence through data.<sup>(9)</sup> The outcome of the case is the awarding of compensation to the victim. For these reasons litigation of such cases usually go in the civil law direction. Certainly, the meaning of justice can be argued from the victim's point of view, but in terms of policy and attitudinal change there is a huge difference in the outcome of the cas-

es in both approaches. A conviction can reflect upon the seriousness of the case and offers the possibility to resonating emotionally, whereas compelling the government to award a large sum of money might increase the pressure, giving a better position for advocates to negotiate.

Coming from either civil or criminal proceedings, many cases have landed before international bodies, which indicates a flaw in the domestic system. The procedures of the European Court of Human Rights (ECtHR) are more similar to that of the domestic civil proceedings; however, it seems from the Court's anti-Roma violence case-law that the threshold of proof for discriminatory intent is as high as in criminal cases. (10) The Court having found a violation of Articles 3 or 8 holds that, "in these circumstances, the Court does not find it necessary to separately determine whether the facts of the case also gave rise to a breach of Article 14 (11) of the Convention."<sup>(12)</sup>

In the end, we are left with the impression that lawsuits for compensation do not carry a strong enough anti-discrimination message. Finding someone liable in a crime addressing the biased intent

against ethnic minorities, such as genocide or hate crime,<sup>(13)</sup> is virtually impossible. Even offences without any reference to this motive are rarely found plausible. The ECtHR is reluctant to rule on the discriminatory nature despite all the data cited in other parts of the judgment. We can welcome the fact that due to findings of procedural violations by the Court some policy changes have been made.

However, it is yet to be acknowledged by the Court and domestic authorities that intersectional discrimination very much exists. In order to change such discriminative mentality, which manifest in coercive sterilizations, judgments in such cases have to embrace a strong anti-discrimination message.

*In the end, we are left with the impression that lawsuits for compensation do not carry a strong enough anti-discrimination message.*



## FOOTNOTES

1. Gaya Stoyanova „Forced Sterilization of Romani Women – A Persisting Human Rights Violation,” Romedia Foundation. February 7, 2013, <https://romediafoundation.wordpress.com/2013/02/07/forced-sterilization-of-romani-women-a-persisting-human-rights-violation/> (accessed: February 18, 2016).
2. David M. Crowe, „The Roma in Post-Communist Eastern Europe: Questions of Ethnic Conflict and Ethnic Peace,” *Nationalities Papers*, 36, no. 3 (2008): 522.
3. Judit, Geller and Adam Weiss, „G.H. v Hungary: the Reproductive Rights Case We Lost in Strasbourg,” European Roma Rights Centre Blog. July 7, 2015, <http://www.errc.org/blog/gh-v-hungary-the-reproductive-rights-case-we-lost-in-strasbourg/69> (accessed: February 18, 2016).
4. In Hungarian, for example, the word sterilization can also mean the process by which medical tools are cleaned from infections.
5. This description of the tendencies draws from the following cases: A.S. v Hungary (Communication no. CEDAW/C/36/D/4/2004), G.H. v Hungary (Application no. 54041/14), I.G. and Others v Slovakia (Application no. 15966/04), N.B v Slovakia (Application no. 29518/10), V.C. v Slovakia (Application no. 18968/07), Ferencikova v Czech Republic (Application no. 21826/10), Cervenakova v Czech Republic (Application no. 40266/98).
6. Relevant articles of the European Convention of Human Rights respectively: Article 3 and Article 8.
7. Legal opinions represented in this article are based on interviews conducted with attorneys who have experience in litigating forced sterilization cases for the purpose of research for an MA thesis written on the same topic.
8. Countries have a range of different sections of the criminal code applicable (e.g. Section 159 of the Slovakian Criminal Code is explicitly about criminal sterilization); however, the fact that signatures on the consent forms are obtained make it harder to prove that this practice is in fact part of a systemic discriminative behavior.
9. This can be for example the ombudsman’s report or an equal treatment authority’s findings as well as research conducted by civil organizations.
10. Mathias Möschel, “Is the European Court of Human Rights’ Case Law on Anti-Roma Violence ‘Beyond Reasonable Doubt’?” *Human Rights Law Review*, 12, no. 3 (2012): 500.
11. Articles mentioned are prohibition of torture, right to respect for private and family life and prohibition of discrimination, respectively.
12. It is exactly the same wording used in all the admissible ECtHR cases I have referred to above in FN 2.
13. Poradna Prava, the organization that represented some of the cases in Slovakia relied on the plausibility of genocide based on the 1948 UN treaty providing in Article II (d) that: imposing measures intended to prevent births within the group [with the intent to destroy in whole or in part a national, ethnic, racial or religious group].

## Orphans off-the-books: Children of labor migrants

**Ekaterina Efimenko** brings light into the tragic circumstances and consequences of parental labor migration and discusses what it means for the parents and the left behind children.

**T**hey are average kids, they have a mother and a father who love them endlessly. But they see their parents at best once a year. “Mom and dad are at work,” describes their everyday and every night. In the media and research studies on transnational migration, they are often called “social or-

phans” or “children-left-behind” and their parents are labor migrants. In the recent years, many social artists, journalists and scholars have been alarming the world about psychologically traumatic consequences (especially for children) of the transnational families created by “remittance-led migration”(1)

but there is no sign of any significant change in the national or international policies towards the better protection of migrants’ families. Zhang Jianfang and his wife (in the picture: photo project One Family, Two Places) moved to Shenzhen ten years ago to seek work. They left behind





two children and have only been back four times since.

The situation is typical not only for China: according to UNICEF statistics, in Moldova, around 31% of children aged 0-14 have been left behind by one parent and 5.4% by both parents. 58 million children are left behind in China, 9 million in the Philippines, and 1 million in Sri Lanka. Around 13% of Mexican and almost 22% of Salvadoran immigrants living in the U.S had children left behind in their home countries. (2)

These parents are not careless adventurers who left their countries behind for a beautiful life abroad. They save every penny to send back to their children and try to give as much love as they can on rare occasions of being home. They would go through many hardships in the host country, including visa regulations and finding the housing if only they can live with their loved ones, but they are still barred from bringing their families with

*Unfortunately, the right to family unity is not directly expressed in any international treaties. It is especially problematic when it comes to cross-border family unity: the right to family unity conflicts with states' right to decide on the entry or stay of non-citizens.*



Source: <http://www.myriammeloni.com/index.php?/projects/behind-the-absence/>

them by their employers or immigration laws.

Unfortunately, the right to family unity is not directly expressed in any international treaties. It is especially problematic when it comes to cross-border family unity: the right to family unity conflicts with states' right to decide on the entry or stay of non-citizens. Moreover, many companies and business corporations are not interested in hiring migrants who bring their children with them. Employers see it as additional expenses and troubles, as well as a distraction from work for the employee. As a result, migrants, desperate to get a job so they can provide for their families, leave their children at home either with relatives or in orphanages.

In some countries, orphanages become the only option for children left behind, especially in countries like Kyrgyzstan, where the government uses most of its funds to finance children's homes instead of supporting low-income families. "It turns out that needy families cannot compete with the government, and they are forced to take their children to orphanages", says Nazgul Turdubekova, the director of Bishkek-based NGO, League for the Rights of the Child. (3)

Grandparents seem a socially better option only at first: they are getting older and sicker every year. So, in many cases, children become breadwinners and caregivers themselves, exchanging a happy childhood for early adulthood. There is also a generation gap when children do not share a common language with their grandparents and simply isolate themselves from the whole world. Myriam Meloni, author of the photo project "Behind the Absence" about social orphans in Moldova, tells the story of 10-year-old Iulia, who lives with her grandmother: the elderly woman takes care of Iulia and her two brothers of the same age while their mother is working at a meat company in Germany. A year ago, Iulia's grandmother was diagnosed with uterine cancer and it's getting harder and harder to look after three grandchildren while in constant pain.

Nowadays, it is still only human rights organizations that raise an alarm about the millions of children who do not get to be children. "Social orphans" have problems socializing with other kids. Their school development also suffers due to instability (for example,



Source: <http://en.people.cn/90882/8432829.html>

they miss school when their parents come for short visits) and they are often at high risk for teenage pregnancies and juvenile crimes. Without crucial improvements to the legal and social pro-

tections of labor migrants, as well as the economic situations in poor countries globally, the 21st century will create more and more “lost generations” of people deprived of their childhood.

States and business corporations need to unite their efforts to support family unity of migrant workers, to minimize the negative effect of migration on minors, and to provide opportunities for labor migrants to find jobs in the domestic market. But most importantly, the existence of social orphans and children-left-behind must be recognized and addressed worldwide through the international law. These children might not die from starvation, but they face a hunger for parental love.

## FOOTNOTES

1. Ernesto Castañeda and Lesley Buck, 'Remittances, Transnational Parenting, And The Children Left Behind: Economic And Psychological Implications' (2011) 55 The Latin Americanist, 85.

2. Global Forum on Migration and Development, UNICEF, 'Children And Migration'.

3. H. Tursunov, 'Kyrgyzstan: Labor Migrants Leave Behind “Social Orphans”' (EurasiaNet.org, 2013) <<http://www.eurasianet.org/node/66436>> accessed 19 April 2016.

# The Politics of Region, Regionalism, and Protection of Human Rights

**Solomon Bari** analyses the disparities between increasing regionalism and the concept of universalism as the basis of the human rights system.

**I**n this article, I will address the development of ‘region’, ‘regionalism’ and its implication on the protection of human rights. The main aim is to analyze the relationship that exists between the growing concept of region and tendencies toward ‘regionalism’ on one hand,

and the principle of ‘universalism’ on which human rights system are built on the other.

The article examines whether there is a conflict between the concepts in the context of human rights protection at inter-



national level.

First, I will introduce the genealogy of region and regionalism before moving on to discussing possible opportunities and challenges it may trigger using a practical case.



## The concept of 'Region' and 'Regionalism':

The emergence of region and regionalism as a reinforcing concept in international politics is not a recent phenomenon. However, the clear implication of the concepts is more visible nowadays than ever. The term 'region' is an elusive concept and subject with different meanings depending on the case. Mansfield and Milner argue they are always raised along some kind of geographical proximity and definite characteristics of some areas but not always with fixed boundaries.(1) Hence, from this understanding, 'region' and 'regionalism' refer to the theory or practice of regional rather than central systems of administration regardless of an economic, cultural, or political nature.

The concept and usage of 'regionalism' are evolving in international politics. Acharya, a regionalism scholar, argues regionalism is considered, especially for those regions far from Europe and America, as a typical way of dealing with socio-economic and political problems, including human rights.(2)

As a matter of diversity, in fact, there is no common understanding of why and how regionalism evolves. However, what is clear is that driving motives can be political, social or economic or a mixture of these factors. The way and the reason why, for example, the EU came into existence is totally different from the reason and the way other regions emerged.

While explaining the emergence of new regionalism in the 19th and 20th century, Acharya illustrated that regionalist ideologies in Africa, Asia, the Middle East and America were founded on shared conceptions of history, culture and common projects such as decolonization.(3) Hence, they encompass multipurpose objectives rather than a single defined deriving objective. What is more important, as Panikkar suggests, is that regionalism is a universal aspiration of all, rather than someone's prescription or imposition.(4)

The debate surrounding regionalism and universalism in the contemporary politics of human rights systems dates back to the 1940s when the UN

*The debate surrounding regionalism and universalism in the contemporary politics of human rights systems dates back to the 1940s when the UN Charter was adopted.*

Charter was adopted. While some states urged for universalism during this time, especially in the area of international peace and security, others insisted on regionalism as a plausible mechanism to address problems of peace, order and security. In fact, both the proponents and the opponents of regional empowerment had their own justifications. Later, the role of regions in conflict management and dispute settlement is clearly recognized by Article 33 and 52 of the UN charter.

From these provisions, one can drive all possible mandate and jurisdiction that paves a way for the construction of region and regionalism. To put it in other words, regions can even invoke these provisions of the Charter to justify their regional inclination.

## The Contemporary Challenge:

The contemporary challenge to universalism on account of regionalism can be best understood from the recent tension between the International Criminal Court (ICC) and the African Union (AU) in the prosecution of President Omar Hassan Ahmad al-Bashir of Sudan where the African states objected the charge.



Nations Online Project, [http://www.nationsonline.org/oneworld/continents\\_map.htm](http://www.nationsonline.org/oneworld/continents_map.htm)



One of the main justifications for the AU in condemning the ICC and objecting the charge in this case is that the AU and its member states can deal with such problems at the regional level. AU and its members also warned to withdraw from the Rome Statute and follow regional accountability systems claiming the ICC is intentionally targeting African leaders. ICC is a permanent institution vested with the power to exercise universal jurisdiction over persons suspected of the 'most serious crimes' of international concern.

The Rome statute which established the ICC (2002) was also carefully crafted with due attention given to the provisions of the UN Charter in reserving space for regional or local measures in the protection of peace and security. (5) Accordingly, one can argue that there will be no contradiction of the statute if regions propose to take regional

measures against violations of human rights so long as the aim is to serve justice. However, the subsequent failure to take measures at regional level clearly shows what is called regionalism than enthusiasm to do justice at the regional level.

The ICC is not created for hegemonic purposes to prosecute individuals from some corner of the world and to let the others continue perpetration as alleged by some states. In fact, it seems that it is from this belief that during its early conception, the ICC acquired much support both from member states of the African Union and African civil societies. (6)

The problem seems to be that gross violations of human rights are rampant in some regions more than others for many reasons. Throughout history, varying socio-political and economic problems and peace and stability patterns in one corner of the world has differed from those in other corners of the world. Hence, such allegations by regions in vain to deny international responsibility is a clear implication of the growing tendency of regionalism.

In general, the inclination towards regionalism may continue to grow. In principle, there is nothing wrong with the development of such inclination so long as it is intended to solve problems at local level. However, the growing tendency of regionalism possesses the possibility of narrowing the boundaries of universalism. Moreover, if regionalism is to be used as a fortress to escape international responsibility, it will be the next challenge in human rights protection at the international level.

## FOOTNOTES

1. Rick Fawn, 'Regions' and Their Study: Wherefrom, What for and Where to?' (2009) 35 Review of International Studies
2. Acharya Amitav, 'Comparative Regionalism: A field whose Time Has Come?' (2012) 47 International Spectator
3. Ibid
4. Ibid
5. Abadir M. Ibrahim, 'The International Criminal Court in Light of Controlling Factors of the Effectiveness of International Human Rights Mechanisms' (2010) 7 Eyes on the ICC
6. Rowland J. V Cole, 'Africa's Relationship with the International Criminal Court: More Political than Legal' (2013) 14 Melbourne Journal of International Law 670

## ENDNOTES

- Amitav A, 'Comparative Regionalism: A Field whose Time Has Come?' (2012) 47 International Spectator 3
- V Cole J. R, 'Africa's Relationship with the International Criminal Court: More Political than Legal' (2013) 14 Melbourne Journal of International Law 670
- Fawn R, 'Regions' and Their Study: Wherefrom, What for and Where to?' (2009) 35 Review of International Studies 5
- Ibrahim M. A, 'The International Criminal Court in Light of Controlling Factors of the Effectiveness of International Human Rights Mechanisms' (2010) 7 Eyes on the ICC 157

# Women (at) Work

by Shaileshwori Sharma



## Religion

(Picture circa: October 2012)

A group of women in Pokhara, Nepal soak cotton battis (lamps) in oil prior to a ceremony of lighting 100,000 such lamps as part of a religious ritual. The gender roles within Hinduism are both strict and profoundly different. Females take on the tasks of daily rituals yet are excluded in at least two ways: during menstruation and from organized religion. The lopsided power dynamics and work division affect women in real ways...in time and respect.



# Stuck in Traffick: the slavery of today

**Jenelle Curtis** looks at slavery and demonstrates how it is not a problem of the past but flourishes unnoticed in all parts of the world.



I am American, so when I hear the word slavery, I think of an awful part of my nation's history: the time when people were shipped like cargo from Africa to America, kept in bondage, worked as animals, abused and subjected to whims of their masters- forced to live a life no human should ever endure. There are few things more evil in the world than the selling of humans, reducing them to property. But slavery is a thing of the past right? Think again.

Slavery and involuntary servitude of many dark varieties are alive in the United States and every nation. The subject of human trafficking is a dark one and the more you learn the darker it becomes.

Labor trafficking, sex trafficking, child trafficking, organ harvesting, compulsory child soldiers and involuntary suicide bombers exist today, and not just in remote corners of the world. We need to realize that modern-day slavery is alive and flourishes even when we choose to ignore it. Awareness is the beginning of change and hope.

There are an estimated 27 million adults and 13 million children around the world who are victims of human trafficking.(1) These victims are enslaved in a variety of ways: some are sold by parents or family members, others manipulated by fancy ads for job opportunities; some are lured by someone they trust - a "boyfriend" or another "broken" girl, some are simply kidnapped. Once under the

control of the traffickers they are threatened, manipulated and assaulted. Whether attracted under false pretenses or not, one thing is for sure - soon they are all trapped.

Human trafficking has emerged for several reasons. Economic transitions, worldwide poverty gaps, globalization and the high demand, are some of the most predominate. One example of the "tragic whiplash of the economic transition" occurred in "Eastern Europe." (2) In this region particularly, human trafficking grew during the Cold War, when there was a drastic difference of quality of life. This presented various international aid workers with both an opportunity and virtual legal immunity- a combination that developed into corrupt exploitation.(3)

Reported cases of human trafficking are on every continent. Poverty driven- supply comes from many nations such as Indonesia, Brazil, Uganda, etc. Overtaken with scarcity, people appallingly resort to selling their own family. Just as appalling is the demand, found primarily in developed countries such as Belgium, the US, and Japan.1 To offset this the United States established the Trafficking Victims Protection Act's (TVPA).

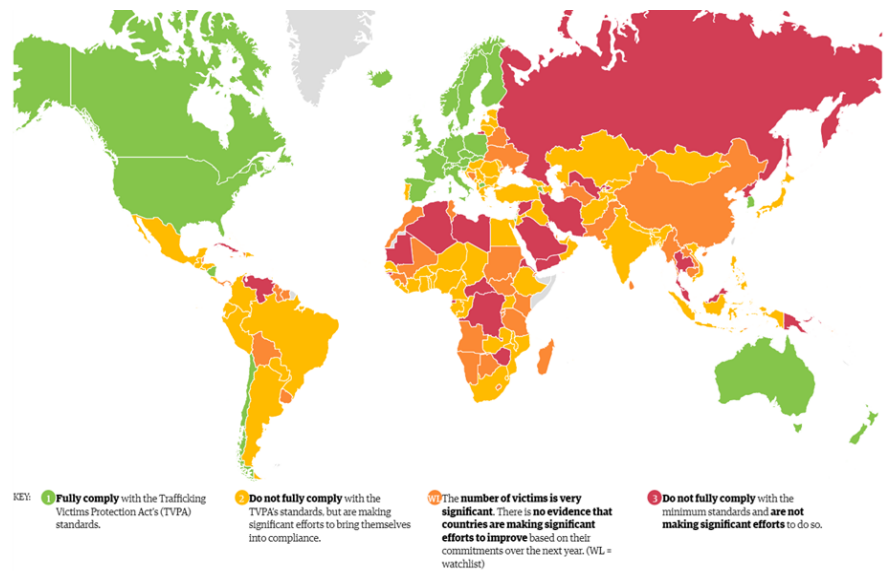
Hitting close to home, The Budapest Business Journal reported that Hungarians make up 18% of all trafficked victims and that "Hungary is a "source, transit, and destination country for men, women and children subjected to forced labor and sex trafficking. Roma women are in particular subjected to sex trafficking".(4) Recently, shocking news reported the story of Hungarian men becoming victims. Revealing how susceptible we all are and the sooner we acknowledge this the sooner we become part of the solution.(5)

## TYPES OF HUMAN TRAFFICKING



Source: [https://www.google.hu/search?q=human+trafficking&rlz=1C1EJFA\\_enHU664HU664&espv=2&biw=1086&bih=536&source=lnms&bm=isch&sa=X&ved=0ahUKEwih15mdvIHNAhUqG5oKHV9GDL8Q\\_AUIBigB#imgrc=BfAZFh1ISDFMoM%3A](https://www.google.hu/search?q=human+trafficking&rlz=1C1EJFA_enHU664HU664&espv=2&biw=1086&bih=536&source=lnms&bm=isch&sa=X&ved=0ahUKEwih15mdvIHNAhUqG5oKHV9GDL8Q_AUIBigB#imgrc=BfAZFh1ISDFMoM%3A)

*Human trafficking has emerged for several reasons. Economic transitions, worldwide poverty gaps, globalization and the high demand, are some of the most predominate.*



Achilleas Galatsidas, Mark Anderson, Annie Kelly

Achilleas Galtsadas, Mark Anderson, Annie Kelly INTERACTIVE: <http://www.theguardian.com/global-development/ng-interactive/2014/jun/20/countries-worst-record-human-trafficking>

Human trafficking is “the world's fastest growing criminal industry”(6) because it is a relatively low risk with high profit potential. Criminal organizations are increasingly attracted to human trafficking because, unlike drugs, humans can be sold repeatedly. It is a booming industry and is sickeningly profitable. A pimp is estimated to earn “20 times what he or she paid for a girl. A 2003 study in the Netherlands found that, on average, a single sex slave earned her pimp at least \$250,000 a year.

“1 At the same time slaves today are cheaper than they have ever been in history. It comes down to the most basic lesson in economics – “supply and demand.” Which is perhaps the most disturbing part - that this

horror would not exist if our culture didn't feed upon it.

The truth is there is no easy cure, like any deep rooted disease there is no pill that will simply restore health, but it has to be tackled from many angles. Laws must be changed, but they also have to be backed by a culture, mindset, and belief that supports those laws.

Sweden is an example of a government who is taking a proactive stand. Enforcing laws that not only punish the pimp or trafficker but also the “Johns”, banning the purchasing of sexual services. Stockholm documented to “only have between 105 and 130 women”, while Oslo reported 5,000.

“According to the Swedish police, 400 to 600 foreign women

are brought to Sweden each year to be prostitutes”. Comparatively, Finland, which is half the size of Sweden, recorded 10,000 to 15,000 women.(7) Proving that effective law making and enforcement with a combination of building awareness and changing culture can make a difference.

This modern day monstrosity requires us to be proactive. We must face the reality that human servitude is not a thing of the past but has simply dressed itself up and become cleverer; with cunning ploys, it preys on the vulnerable. We must recognize what is feeding the demand, work with governments. And most importantly be willing to change ourselves.

## FOOTNOTES

1. Skinner, Benjaimn. A Crime So Monstrous: Face-to-Face with Modern-Day Slavery. New York: New York Free Press, 2008.
2. Human Trafficking. Directed by Christian Duguay. 2005.
3. News, BBC. "Kosovo U.N. Troops 'Fuel Se Trade.'" London, 2004.
4. AM, Hungary. "Report: Hungary on the 'watch list' for Human Trafficking." 2015.
5. ABCNews. Hungarians use the web to lure gay men to the U.S, turn them into sex slave. ABC News 10, 2014.
6. "The UN Refugee Agency." focus on human trafficking. 2010.
7. Anwar, Andre. "Criminalizing the Customers: Prostitution Ban Huge Success in Sweden." Spiegel Online International, n.d.



# Playing Russian roulette in a coalmine

**Anna Varfolomeeva** tells us about the “typical Russian problem” of hazardous coalmines, tricked methane sensors and how officials cover up the violations.



**V**orkuta, a town in the north of Russia, is known as a coalmining site, as one of major GULAG labor camps in the past<sup>(1)</sup> and as a region of harsh Arctic climate. In the Soviet times it used to be a symbol of conquering the North: a modern industrial town established in tundra.<sup>(2)</sup> Nowadays Vorkuta is in decline and many of its residents leave to southern regions;<sup>(3)</sup> those who stay are primarily miners. The coalmines near Vorkuta are owned by Severstal group;<sup>(4)</sup> the general director of Severstal, Alexey Mordashov, is one of the richest people in Russia. The mines of Severstal were considered the safest in the country... until recently.

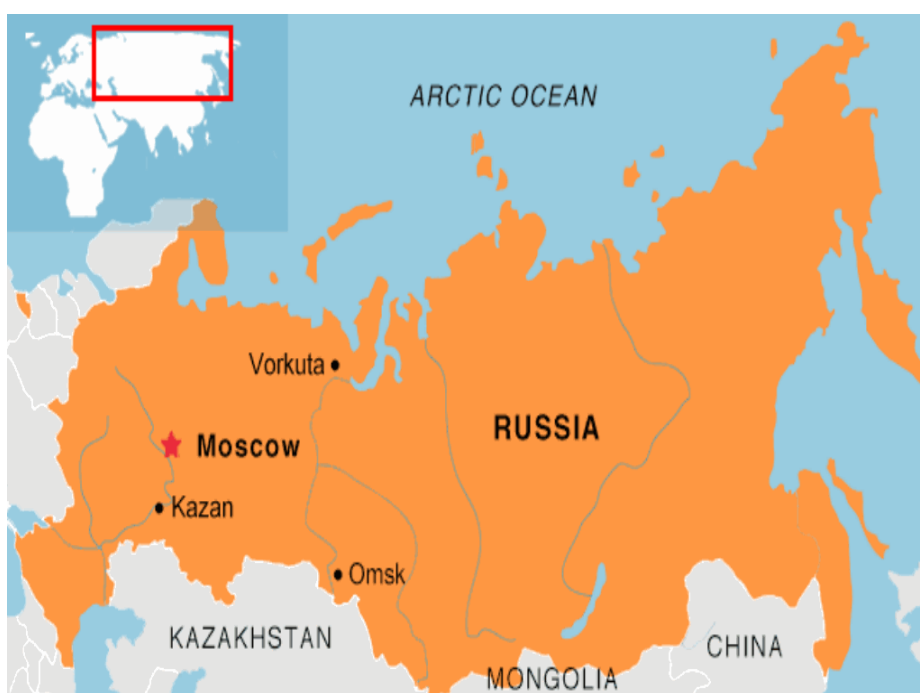
On February 25, 2016, the life of many families in Vorkuta changed forever. Two methane explosions occurred at the Severnaya coalmine. More than 100 people were underground at the time of explosions; four of them were killed and 26 were trapped inside. For the next three days the fate of the 26 miners was unknown. On February 28, the rescue operations began; however, a new methane explosion occurred causing the death of five rescue workers and a miner. After that, the rescue operations were stopped and the 26 workers left in the mine were declared dead. While the managers of Severstal claimed that the accident had natural causes and was “a geological occurrence,”<sup>(5)</sup> a number of miners protested and initiated a grass-roots demonstration.

The explosion at Severnaya is not a unique case in Russia; it was preceded by similar trage-

dies in other parts of the country. In 2007, a methane outburst at the Ulyanovskaya mine caused the death of 110 people. Two explosions at the Rospadskaya mine in 2010, again caused by methane, resulted in 91 victims. Overall in the past five years more than 50 accidents occurred at Russian coalmines.<sup>(6)</sup> While coalmining remains a dangerous industry throughout the world, methane explosions are sometimes called “a typical Russian problem”.<sup>(7)</sup>

Why do accidents happen so often? One possible reason is that safety rules do not always go alongside the management's wish to increase coal production output and, consequently, profits. According to safety regulations, if the concentration of methane in the mine is below 1%, it is safe to work. If it exceeds 2%, the extraction work should stop and all the miners need to evacuate. Special sensors which measure the level of methane are installed underground. However, as every time the work is stopped the company loses money, this rule is often neglected. The management asks the miners to trick the sensors by placing them on the ground (where the concentration of methane is lower), moving them towards ventilation holes or covering them with jackets or other thick clothes.<sup>(8)</sup>

It may seem strange that the miners participate in this risky Russian roulette tricking the technical equipment when their safety is at stake. The reason is that the workers' salaries depend on production; thus, every stoppage decreases their payments. In many cases the coalmine is the only source of stable jobs in the settlement, so the workers agree to take the risk over and over again.



Source: Radio Free Europe, <http://www.rferl.org/content/stalin-gulag-vorkuta/24918538.html>

*It may seem strange that the miners participate in this risky Russian roulette tricking the technical equipment when their safety is at stake. The reason is that the workers' salaries depend on production; thus, every stoppage decreases their payments.*

A similar story happened in Vorkuta. The workers of Severnaya stated that they were persuaded to cover or bury the air pollution sensors to avoid the stoppage of work and the necessity of evacuation, though the sensors indicated a high concentration of methane. However, the representatives of Severstal denied this, claiming that nobody can make the miners work if it is dangerous in the pit.(9)

The Severnaya case was not widely covered in Russian news. The mine is now flooded, and the official reason of the accident is still the geological one. The head of Federal Service for Environmental, Technological, and Nuclear Supervision, Alexey Aleshin, stated that no violations of safety had been found at Severnaya prior to the explosions.(10) This means that the accident at Severnaya may not change the overall approach to mining safety and miners' rights in Russia. However, a

number of short-term measures have been taken. 289 Russian coalmines were checked between February 29 and March 14, and 1,955 safety violations were found; 32 mines have stopped working until their safety is improved.(11) Vice-Minister of Energy, Anatoly Yanovsky, stated that out of 70 currently operating coalmines

in Russia only eight are safe, while 38 are very dangerous, and 12 – extremely dangerous. (12) However, while the cases of explosions are not properly investigated, there is no guarantee that a similar accident will not happen again. Nowadays, many years after GULAG, it seems that forced labor is long gone in Vorkuta and beyond.

However, we still witness the system where miners do not report safety violations out of the fear of losing their jobs. Instead, they go 700 meters underground every day playing a risky game with their lives at stake so that more coal can be produced and sold.



Source: RIA Novosti, Владимир Юрлов,  
<http://ria.ru/incidents/20160228/1381439790.html>

## FOOTNOTES

- 1.S Crowley, Hot coal, cold steel: Russian and Ukrainian workers from the end of the Soviet Union to the post-Communist transformations. Ann Arbor, University of Michigan Press, 1997.
- 2.A. Barenberg, Gulag town, company town: Forced labor and its legacy in Vorkuta. New Haven and London: Yale University Press, 2014
- 3.H. Pilkington, "'Vorkuta is the capital of the world': people, place and the everyday production of the local", in The Sociological Review, vol. 60, 2012, 267-291.
- 4.The official website of "Severstal": <http://vorkutaugol.severstal.com/rus/about/structure/document1025.phtml>.
- 5.E. Vorobyeva, V. Sidorova, A. Kozlova, "Shakhta Severnaya: vyzhivshih net" [Severnaya mine: no survivors] Komso-molskaya Pravda - Komi, February 28: <http://www.komi.kp.ru/daily/26499.7/3367340/>
- 6.BBC, [http://www.bbc.com/russian/news/2016/03/160317\\_markin\\_mines](http://www.bbc.com/russian/news/2016/03/160317_markin_mines)
- 7.A Glikman, "Pochemu vzryvayutsya shakhty?" [Why do mines explode?], in Stroitelstvo, April 2007: [http://www.newgeophys.spb.ru/ru/article/mines\\_blasts](http://www.newgeophys.spb.ru/ru/article/mines_blasts).
- 8.M. Polyakov, "Menya eta dvulichnost besila" [I was outraged by this hypocrisy], 7x7, March 4, 2016: <http://semnasem.ru/vorkuta-shakhty>.
- 9.Ibid.
- 10.Vedomosti, March 1, 2016: <http://www.vedomosti.ru/business/news/2016/03/01/632086-rostehnadzor>.
- 11.Metallosnabzhenie i byyt, March 18, 2016: <http://www.metalinfo.ru/ru/news/84540>.
- 12.Pronedra, March 17, 2016: <http://pronedra.ru/coal/2016/03/17/mechel-predlozhit-zakryti/>



# Romengo Krlo: What Form and Direction in the Grassroots?

**Jashar Jasharov** explores how Romani grassroots can become agents of just and equal political representation and participation of Roma communities.



This year's 8th of April marked the 45th anniversary of the first World Roma Congress, where our Romani forefathers adopted, among the many, our anthem and flag, and articulated the need of Romani self-reliance. Since then, the Romani movement has undergone massive transformations from which the 1990s can be noted as the years where the movement's agenda progressed into the international scene, but also the time from which the shaping of most Romani non-governmental organizations (NGOs), as we now know them today, began. While today the Romani question has never had such an internationally recognized voice, the grassroots are still in stagnation and in a stage of powerlessness.

In my opinion, the situation at the grassroots level can only progress if we have communities that are fully involved in the public sphere, practicing political participation, and thus achieving a wave of adequate and sustainable Romani political representation. Many believe that active political participation is needed in order to overcome the difficulties many Roma face. Moreover, steps for achieving these means are to a large extent well-articulated by both scholars and practitioners. However, the apparent issue is how to address these actions, and embed them into a broader context where they will be practiced.

The establishment of Roma NGOs within Romani communities was, and still is, a crucial step for generating goals re-

garding representation of Romani interests. Some of our most prestigious Romani leaders have articulated the power of NGOs concerning the creation of a politically conscious community. In this regard, there is a need for vivacious local level NGOs nurturing the leadership of the communities, and enhancing the practice of citizenship. NGOs hold a good deal of power for empowering the people at the local level into becoming active agents in the public sphere, establishing full political participation, and creating an adequate wave of sustainable political representation. However, the obstacles to this becoming a reality are apparent.

The need to empower people at the grassroots level is still in dire necessity. Although there have, to date, been an abundance of activities related to such empowerment we can clearly note that they have not reached their ultimate goal. This is perhaps due to the methodological and pedagogical approaches that such activities adopted. Nevertheless, there is certainly a void that needs to be filled in this respect. Capacity building of grassroots level NGOs might be the first step in achieving such progress, at the current stage, most NGOs have an inadequate level of expertise for addressing such issues.

The very capacity building of NGOs should target the community level capacity building, with a primary focus put on organizational structure, leadership, as well as governing strategies. Then the empowerment of the people on local lev-

el should take a structural approach targeting: community organizing, leadership, political participation and involvement in the public sphere, as well as community-led advocacy tools and strategies.

Developing a well-built dialog between Roma grassroots NGOs and their constituents is also a vital piece of the puzzle. Today's NGOs have to a large extent become donor/project led. Therefore, a paradigm shift in community led NGOs has to happen. This can only happen if there is structured dialogue between the two. Though in the late 80s, 90s, and early 2000s this was not

*The true potential of grassroots Romani communities has yet to be revealed. Building on the momentum of self-determination, and using the power of the community, Romani people can engage in a dialog and get out of the vicious cycle of powerlessness.*

an issue, at the current moment, the inadequate dialogue is definitely an issue. Efficient and effective strategies for resolving issues faced by Roma communities also require an in-depth needs assessment analysis. NGOs need to get back to the settlements and dismiss their role as executors of projects set up by donors. Strategy making must be done alongside Romani constituency and projects must be based on these essential dynamics.

The practice of most NGOs since the first World Roma Congress, has been to lead the way for Roma. If what was stated above is executed well, then a shift to grassroots initiatives where, Roma lead the way for Roma can have an immense impact. I see the need of grassroots NGOs not as a permanent solution to achieving means of equality and justice, but rather a temporary one. Similar to affirmative action measures, NGOs should main-

tain their mandate as long as there is a dire need for them. They should level the playing field for the rise of citizens and make way for a leadership change by them.

The true potential of grassroots Romani communities has yet to be revealed. Building on the momentum of self-determination, and using the power of the community, Romani people can engage in a dialog and get out of the vicious cycle of powerlessness. In Romani language, the phrase "Romengo krlo" translates to Romani voice, and that voice of Romani people at the grassroots level is yet to be heard. The need for full political participation of Romani communities is essential for achieving grounds of equality and justice.

The shift that needs to occur is to let Roma lead the way forward, and act as agents of change for their own lives. Re-

al progress and changes in the communities, particularly on a small scale, can only be achieved through the political participation of people at the grassroots level. I firmly believe that if the people advocating for change are the ones living in the community, real sustainable progress can be made.

*The establishment of Roma NGOs within Romani communities was, and still is, a crucial step for generating goals regarding representation of Romani interests.*

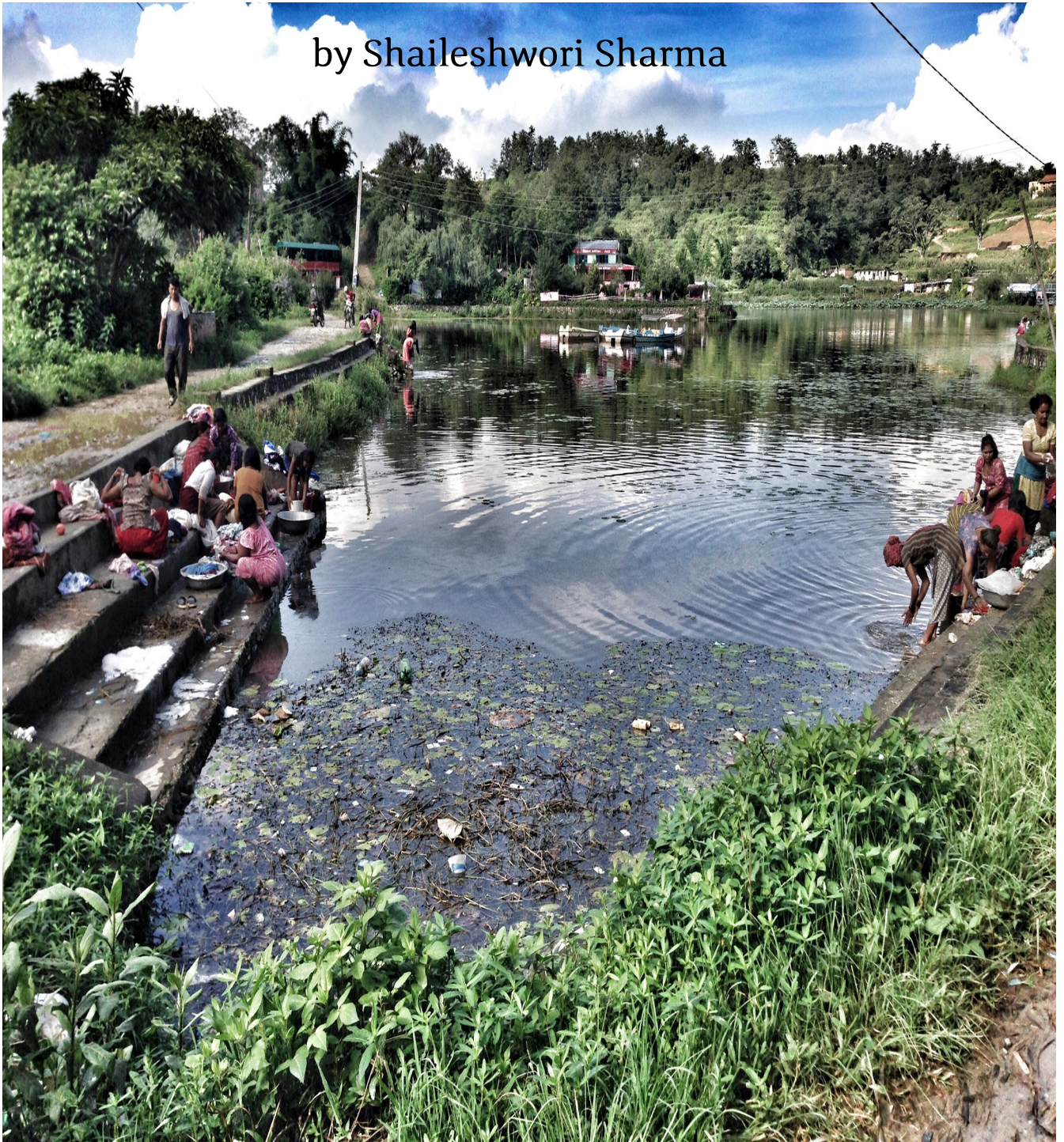


Roma flag. Author: Cayetano Fernandez.



# Women (at) Work

by Shaileshwori Sharma



## Survivors

(Pic circa: August 2014)

Groups of women wash clothes in Nag Daha, a pond with religious and recreational uses in the outskirts of Kathmandu. It is exactly a year now that the biggest earthquake in recent history hit Nepal, followed quickly by another. The country's lack of disaster preparedness has been exposed now more than ever as both relief and recovery efforts have faced considerable setbacks. From early on, some gendered issues started to emerge in this crisis, such as reported incidents of gendered sexual violence in camps, unsanitary conditions, access to supplies for menstruating women and girls, and difficulties faced by pregnant women and new mothers. Going forward, it is important for the government to initiate efforts to assess these different needs and to include women in the reconstruction planning.



# The Threat of Killer Robots— And How We Can Respond

**Laura Schelenz** discusses how we can regulate new lethal technologies to protect human rights.



Today, we see that emerging technologies like nano-technology, genetics, autonomous weapons, artificial intelligence, and cybernetics are advancing quickly. Human rights defenders experience enormous challenges in addressing emerging technologies. The nature of new technologies is complex and the consequences of their use are difficult or even impossible to anticipate. Law-makers are often unable to keep up with modern technology, and legislation is passed only when harm has already been done.(1)

One example of emerging technologies is that of lethal autonomous weapon systems, also known as killer robots. These machines are capable of identifying military targets by analyzing patterns of behavior and changes in the environment, and therefore do not rely on a pre-programmed list of targets. Rather, they autonomously choose targets.(2) The use of

killer robots can fundamentally change warfare, which can be determined from analyzing the current use of drones. For instance, the use of killer robots might threaten compliance with the humanitarian principles of proportionality and distinction. (3) These challenges must be addressed prior to the introduction of new technologies in order to prevent human rights violations.

The development of drone technology thus begs the question: How can we respond to emerging technologies that challenge human rights and humanitarian law? Human rights defenders have several possibilities to address emerging technologies, including universal prohibitions, national moratoria, binding regulations, as well as non-binding guidelines.

A universal ban on autonomous weapons can establish a case against weapons that are beyond the control of humans

and emphasize that such technology is not acceptable in the eyes of the international community. Binding regulations can establish bright line rules for the use of emerging technologies such as the need for meaningful human control over lethal decision-making.

*The use of killer robots can fundamentally change warfare, which can be determined from analyzing the current use of drones.*



A navy drone x47b. Photo by Steve Helber/AP, <http://articles.latimes.com/2013/jul/10/business/la-fi-mo-navy-drone-x47b-20130709>

Non-binding best practice guidelines can clarify questions of accountability arising from the use of autonomous weapons and provide guidance for the use of emerging technologies in war.

The Campaign to Stop Killer Robots, headed by Human Rights Watch (HRW), calls for a preemptive ban on the development, production, and use of autonomous weapons.(4) According to the director of HRW's arms division Stephen Goose, the only way to deal with the dangers of fully autonomous weapons is to ban them. He argues that the use of fully auton-



omous weapons violates the notion of human dignity since machines would decide over the life and death of human beings. Goose condemns a “wait and see” approach and claims that too much is at stake and it is uncertain whether autonomous weapons can be encoded to comply with international humanitarian law in the future.(5)

Critics of a universal prohibition and national moratoria argue that such measures undermine the enormous benefits that autonomous systems can have for the military but also for civilians.(6) An alternative to a universal prohibition would be implementing a binding regulation (a treaty or protocol) that limits certain aspects of the use of autonomous weapons to ensure compliance with international humanitarian law. Such a treaty or protocol might include a bright line rule that has little or no margin of interpretation. Bright line rules can be helpful when it is difficult to anticipate the implications of quickly evolving technology.(7)

Concerning the use of autonomous weapons, a bright line rule may provide that lethal decisions in armed conflicts must require “meaningful human control.”(8) This rule could reinforce the notion of human dignity and humanity in armed conflicts.(9) However, states might not comply with a ban or a treaty despite agreeing to it, which leaves other states disadvantaged in warfare.(10)

Proponents of non-binding “best practice” guidelines on the use of autonomous weapons argue that many concerns that have been voiced with regard to autonomous weapons



*Author: Laura Schelenz*

apply to other weapons as well. They further claim that autonomous weapons are not inherently unlawful weapons. Rather, the lawful use of the technology is the real issue.(11) A document outlining the proper use of lethal autonomous systems in armed conflicts (including clarifications on the issues of proportionality, distinction, and accountability) can help ensure compliance with international humanitarian law.

However, guidelines may not be robust enough to ensure compliance with international humanitarian law. Guidelines are by nature non-binding and, thus, violations thereof have no legal consequences. On the other hand, more states may be willing to sign a document of guidelines than a hard law treaty because there is less pressure to comply with it. There are different approaches (with their respective pros and cons) that can be adopted to address the threat of killer robots and co.. New technology must comply with norms protected by international law. Furthermore, measures ensuring compliance with international law should be strengthened. Human rights defenders should engage scientists in their work and encourage them to declare their intention to advance only such technology that does not harm humans.

In the case of killer robots, international or national declarations on the use of autonomous weapons should reinforce existing core principles of international humanitarian law such as the principles of distinction, proportionality, human dignity, and humanity. The international community should reaffirm its commitment to humanitarian norms and examine—under the article 36 weapon review and with the involvement of scientists—whether autonomous weapons are able to comply with humanitarian standards. Such an approach to emerging technologies prevents a slow erosion of long-held standards and takes into account that it is difficult for us to anticipate the consequences of modern technology.

## FOOTNOTES

1.J. S. Levy, “Towards a Brighter Fourth Amendment: Privacy and Technological Change,” New York University Law and Economics Working Papers no. 279, 2011, p. 7

2.C. Heyns, “Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions,” United Nations, 2013, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-47\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-47_en.pdf), p. 1. ; M. Mayer, “The New Killer Drones: Understanding the Strategic Implications of Next-Generation Unmanned Combat Aerial Vehicles,” International Affairs vol. 91, no. 4, 2015, p. 722 ; M. Wagner, “The Dehumanization of International Humanitarian Law: Le-

- gal, Ethical, and Political Implications of Autonomous Weapon Systems,” *Vanderbilt Journal of Transnational Law* vol. 47, 2014, p. 1371-1424.
- 3.G. Chamayou, *Drone Theory*. London, Penguin, 2015, p. 114 ; E. Crawford, *Identifying the Enemy: Civilian Participation in Armed Conflict*, Oxford, Oxford University Press, 2015, p. 128; , G.J.A Knoops, “Legal, Political and Ethical Dimensions of Drone Warfare under International Law: A Preliminary Survey,” *International Criminal Law Review* vol. 12, 2012, p. 718 ; Mayer p. 776 ; Wagner p. 1392.
- 4.Campaign to Stop Killer Robots, 2015, <https://www.stopkillerrobots.org>
- 5.S. Goose, “The Case for Banning Killer Robots: Point,” *Communications of the ACM* vol. 58 no. 12, 2015, pp. 43-45.
- 6.K. Anderson, D. Reisner, and M. Waxman, “Adapting the Law of Armed Conflict to Autonomous Weapon Systems,” *International Law Studies* vol. 90, 2014, p. 396.
- 7.J.S. Levy.
- 8.K. Anderson, D. Reisner, and M. Waxman, p. 396.
- 9.C. Heyns, p. 16.
- 10.K. Anderson, D. Reisner, and M. Waxman, p. 398).
- 11.K. Anderson, D. Reisner, and M. Waxman, p. 393)

## ENDNOTES

- Anderson, K., D. Reisner, and M. Waxman, “Adapting the Law of Armed Conflict to Autonomous Weapon Systems,” *International Law Studies* vol. 90, 2014, pp. 386-411.
- Campaign to Stop Killer Robots, 2015, <https://www.stopkillerrobots.org>
- Chamayou, G., *Drone Theory*. London, Penguin, 2015.
- Crawford, E. *Identifying the Enemy: Civilian Participation in Armed Conflict*, Oxford, Oxford University Press, 2015.
- Goose, S., “The Case for Banning Killer Robots: Point,” *Communications of the ACM* vol. 58 no. 12, 2015, pp. 43-45.
- Heyns, C.. “Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions,” United Nations, 2013,  
[http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-47\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-47_en.pdf)
- Knoops, G.J.A., “Legal, Political and Ethical Dimensions of Drone Warfare under International Law: A Preliminary Survey,” *International Criminal Law Review* vol. 12, 2012, pp. 697-720.
- Levy, J. S., “Towards a Brighter Fourth Amendment: Privacy and Technological Change,” *New York University Law and Economics Working Papers* no. 279, 2011, pp. 1-38.
- Mayer, M., “The New Killer Drones: Understanding the Strategic Implications of Next-Generation Unmanned Combat Aerial Vehicles,” *International Affairs* vol. 91, no. 4, 2015, pp. 765-780.
- Wagner, M., “The Dehumanization of International Humanitarian Law: Legal, Ethical, and Political Implications of Autonomous Weapon Systems,” *Vanderbilt Journal of Transnational Law* vol. 47, 2014, pp. 1371-1424.

## Interview

# Women Human Rights Defenders of Armenia do not give up

**Arman Gharibyan** takes us to the reality of Armenian women fighting for their rights and shows us what it takes to keep up the fight against oppression.



**W**omen have a great role in the protection of human rights in Armenia. This may seem paradoxical, since women’s rights are violated even within families. However, their contribution to civil society cannot be underestimated. Lena Nazaryan, a young civic

activist, explains that several years ago women were almost excluded from political and economic fields, yet men did not dominate the field of civic activism; it was free, and men and women were able to easily come together to establish values. “In this case non group of

men could take the place of women”, says Nazaryan. However, in activism it is also much easier for men than women. Lara Aharonyan, co-founder of Women’s Resource Center NGO, explains: “Women human rights defenders face a double hurdle. Young women,



publicly fighting for human rights, are labelled by some as “spoiled girls,” they may face troubles in their private relationships because of this. And for married women the difficulty is created in the family. Women largely take care of kids, and if they want to attend any public event, the first issue to be resolved is to leave children with a trusted person. Men usually do not support their wives in such occasions.”

However, in activism it is also much easier for men than women. Lara Aharonyan, co-founder of Women’s Resource Center NGO, explains: “Women human rights defenders face a double hurdle. Young women, publicly fighting for human rights, are labelled by some as “spoiled girls,” they may face troubles in their private relationships because of this. And for married women the difficulty is created in the family. Women largely take care of kids, and if they want to attend any public event, the first issue to be resolved is to leave children with a trusted person. Men usually do not support their wives in such occasions.”

Aharonyan notes that many women leave the fighting square, especially when it gets late. “Few women will spend the night in the street; in the case of men the danger is that the police can beat them, as for women, they are also at risk of being subjected to sexual abuse.”

Another female activist whom I interviewed for this article wished to remain anonymous to avoid problems with her family. She told me how her close relatives pressured her. “After marriage, when my son was born, the situation tensed, because my responsibility and bothers increased. My family was upbraiding me saying that the mother has no right to leave her child and go out for her fad.” The young woman regretfully admits that because of this pressure she had to re-



Lara Aharonyan



Lena Nazaryan

duce her activity: “I guess, I’m tired of resisting since during the time besides the pressure from your relatives the one by the society and environment is also added. Now my life has “stopped.” I am now obliged to live the life of my child and family.”

Active women are oppressed both within their family and beyond it. Marina Poghosyan, a 54-year-old human rights defender, took boxing classes to defend herself physically. She is her coach’s only female student. Marina is new in the field of human rights, but

*“I guess, I’m tired of resisting since during the time besides the pressure from your relatives the one by the society and environment is also added. Now my life has “stopped.” I am now obliged to live the life of my child and family.”*



already has faced all the difficulties female activists have been overcoming for years: "When I entered this field, I did not imagine that the pressures could be so much, even physical attacks against me," says Poghosyan.

In 2014 she created Veles, a human rights NGO, to fight against corruption, but eventually she started to defend herself from various attacks. "Human rights defenders have no security guarantee in Armenia, and the difficulty is double for women, because physically we are not as strong as, for example, male police officer. I understood, that apart from the law, I have to be able to defend my rights with my own fist," assures the head of the organization.

Marina Poghosyan also states that besides the traditional ways of pressuring women human rights defenders (i.e. initiating criminal proceedings against them), there is also physical violence: "I felt it on my own skin and I know what is physical violence, when a man weighting 120 kg can literally cut off a small woman from the ground and throw her on the stairs."

The pressure is huge, but female human rights defenders



Marina Poghosyan

have no intention to give up. "We are always targeted, especially when we go out to the streets to protest, there will always be a pressure. But I cannot remain indifferent and pay no attention to the injustice around me" says Lara Aharonyan.

Lena Nazaryan believes that women can overcome obstacles, if they have a strong will and a willingness to fight. "If women indeed take responsibility, a commitment to do something, if they are active, progressive, then no one can stop them."

Her words are confirmed by

*The more you are oppressed, the more determined you turn to be...*

Marina Poghosyan: "The more you're oppressed, the more determined you turn to be, and become more convinced that you must do that job and it looks like you're getting stronger. I believe, people who deal with women human rights defenders, realized that we will not give up."



Marina Poghosyan



# Women (at) Work

by Shaileshwori Sharma



## Modesty/Shame

(Photo circa June 2014)

In Nepal, I have found women "indulging" their leisure time in meticulously taking care of their own hygiene. In a rural Dalit settlement such as this one, the collective mobilization for taps has come to have other benefits for women beyond just transporting drinking water. Whilst still public, these taps provide a more private space to carry on with activities such as bathing in the absence of private bathrooms (because in some places, having one toilet to a house is something new and recent). It also cuts down on their waiting time significantly. Related to this there is an anecdote from my own travel across Nepal as part of fieldwork in 2014. While my colleague and I (both female researchers) had to be content with hurried baths by the moonlight once every few days, the women in these villages would laugh at our shyness. Our urbane idea of modesty and privacy got thoroughly challenged there. For them, it is very normal to put on a petticoat and wash away in public paddlers (taps) when the sun is out. They have no qualms or concerns about the public/male gaze. Since it is not a choice but a necessity to bathe in this manner, there is no shame attached to it. The increasing luxuries and urbaneness of Kathmandu has come to mean a strict separation of private and public and the consequent act of associating discomfort with bathing in public. It is a healthy reminder to question our conceived standards of women's modesty and clothing and to examine the whose, whys and hows of the rules to shame and what can constitute private v. public.

# Women (at) Work

by Shaileshwori Sharma



## Reservations

(Picture circa December 2014)

A woman vendor climbs into a reserved section of the train in India with food bucket atop her head in the New Delhi to Mumbai route. Reservations are a huge topic of debate around the world, and especially in India. Women have a 30% quota at the village governance level in addition to having reservations in law schools. While the Indian Upper House has passed the 33% reservations bill for women, the Lower House has not yet done so. In trains, there is usually one compartment that is reserved solely for women. Overall, studies show that reservations have had a positive impact on women.

I took this picture because it struck me as unusual. I have associated women vendors as static entities, sitting behind their products all day. On Indian trains, it is usually the men who climb into the train at designated stops, sell their food to interested customers and quickly step out in the next station. Seeing this woman climbing easily with a heavy load on her head evoked many thoughts and emotions and even something akin to pride. My train quickly moved, so I could not see what happened after...but let's just say the possibilities were endless.



# Women (at) Work

by Shaileshwori Sharma



## Justice

(Photo circa June 2010)

The year is 2010. Location Far Western Nepal. Cameras rolling. This little girl from a nearby district is telling us her story by candlelight. She is telling it without fear (and barely any emotions). She remembers each detail of how her employer raped her repeatedly. She has not wavered even once during the narrative. At twelve, this little girl has already worked as a domestic help for several years now. I count the ways in which she has faced the inhumane in life--her rapist and his wife whose duty it was to play her guardian and look after her well-being, her family who could no longer afford to offer her a home because she was the face of stigma and "beyond salvation" now, the police system which only believes her because she jumped off the house to finally save her own life and was able to report the crime within 48 hours, the justice system which refuses to believe her because her perpetrator is able to buy off the judges whereas her lawyers are fighting her case pro-bono, and the society that cannot let her dream of a future or allow her to be a child again (not that hers ever was an average childhood). The list goes on.

I cried as she talked. I internalized her pain and made it my own. I wrote her story in the first person, with droves of emotions dripping off the pages. I helped to edit her footage and covered her face during post-production of the documentary so that she would not have to face further backlash. But to this day, I carry a seed of guilt in me--a seed that has taken root in my conscience and is branching off into everything I attempt to do in life.

I am guilty, just like everyone else, because I could not give her the one thing she wanted without even knowing it: *nyaya* (justice). Her perpetrator may be jailed, but what happened to her? All I want to do is go back and find her and know how to enable her dreams. Surely there can be no greater justice than that.



# Women (at) Work

**Shaileshwori Sharma** challenges through photography the assumption that most of women do not work, especially in South Asia

**W**omen (at) Work started out as a month-long series on social media (Instagram and Facebook) during the month of March this year.

Some of the issues covered by the series are menstruation taboos/practices, affirmative action for women, intersectionalities of caste and gender, land rights, women's role within Hinduism, food security, labor migration, and how women are missing from data, among others.

The title itself is deliberate and the brackets both challenge the assumption that most women do not work (especially in South

Asia) and to show the range of their personal and professional roles. Without knowing it was leading to a series, I had been taking photos of women for the last six years during my many travels across Nepal and India.

The work helped me to combine my varied interests and skills. The most interesting part about the spontaneous project was the reception from friends and acquaintances across the world. The diversity of issues raised by each picture seemed to affect people differently and even compelled some to relate/share their own similar experiences. These pictures have not been published elsewhere



before but I hope to showcase them in interactive exhibitions in the near future.

Upon completing my graduate studies this June, I plan to return to Nepal to work to exemplify the gendered experiences of women in this particular post-conflict context.

I want to use dialogue, photography, and storytelling as tools for invoking memory and reflection to help unmask gendered experiences that otherwise go unnoticed and to bring into the local/national agenda the imbalances/wrongs that deserve to be redressed.







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