

The Activist

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CENTRAL EUROPEAN UNIVERSITY ■ Human Rights Initiative

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About *The Activist*

We proudly present you with the 2012 issue of *The Activist*, HRSI's Human Rights Journal. *The Activist* is an annual student journal aimed at providing CEU students a platform for publishing their work related to human rights and civil society, as well as for gaining experience in editing a professional journal.

About HRSI

The Human RightS Initiative (HRSI) is an awareness raising and capacity building organization based at Central European University (CEU). It was founded in 1999 by the students of the CEU Legal Studies Human Rights Program. Since then it has grown into an internationally-recognized human rights organization, focusing

on youth involvement, education and active student participation. HRSI's mission is to promote social engagement through awareness raising and capacity building. Our main target groups are CEU students and alumni, local and regional students, NGO staff and activists as well as local and regional NGOs.

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Piece from Matthew Stolte, an artist featured in the *SolidARTity* exhibition.

—Image courtesy of Sarah Stolte/Project Lodge

SolidARTity in Madison, Wisconsin: FIGHTING FOR WORKER'S RIGHTS THROUGH THE RIGHT TO CULTURE

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On Friday, February 11, 2011, the newly elected governor of Wisconsin, Scott Walker, introduced a legislative bill that would restrict the collective bargaining rights of public workers in the state, with the exception of “public safety” officials such as police and firefighters (“Governor Walker” 2011; Schaper 2011). Three days later, in response, a group of students from the University of Wisconsin-Madison marched to the capitol building in Madison to protest the bill. This first collective action became the start of a series of protests that would eventually grow to involve hundreds of thousands of people, with demonstrations occurring daily

until the summer (Nichols 2011; Schneider 2011).

At the very same time that this movement was growing, Sarah Stolte, an Art History PhD student at the University of Wisconsin-Madison, came up with the idea to curate an exhibition on art related to the protests (Stolte 2011). Sharing her idea with Sonia Kubica, curator of the Madison gallery Project Lodge, the two began organizing *SolidARTity*, a show aimed at recognizing the “incredible breath of creative voice” (Project Lodge 2011: 1) that was infusing Madison. The resulting exhibition was launched on March 4th, during the peak month of protest.

In curating the exhibit, Stolte and Kubica aimed to incorporate submissions from artists with formal training, and “found art”—which they began collecting from the stockpile of signs and banners that were being thrown out at the end of the day (Davis 2011; Medaris 2011). In a post online about the exhibition, the organizers at Project Lodge reasoned, *Our entire State Capitol has been transformed into a massive, site-specific installation reflecting an infinite variety of personal reactions to the actions of our state government. The rallies have attracted thousands who crafted signs to succinctly convey their message. Project Lodge*

mounted “SolidARTity” to reflect this formidable expression (Project Lodge 2011).

Viewing the site for protest as an artistic “installation,” the organizers of *SolidARTity* collected the creative expressions of the protesters, merged them with the work of artists, and placed them in the new context of a gallery. In this process of re-contextualization and convergence, a new field was created, where cultural players and their cultural products took on new meaning and roles.

Perhaps the most robust transformation was of the protesters and the material objects they made for the protest. In the creation of the signs and banners, most of the protesters imagined and intended their work only to survive the life of the protest. This is evidenced by the number of signs that ended up in the “mass grave of a dumpster” (Medaris 2011). Instead, however, Stolte and Kubica, recognizing the artistic quality of their work (Stolte 2011), preserved and re-contextualized these objects in the *SolidARTity* gallery space. Stolte describes the process:

Any one who made a sign, regardless of the simplicity, was making material culture as protest object. We [Sonia and I] both admired a piece that had footprint marks left on it. In a large museum, something like this may have been undesirable and perhaps conserved/cleaned, but I admired the “live action” quality of this work. The footprints were evidence of the work’s appearance and use during the protests (2011: 2).

In selecting and preserving the material culture of the protest, Stolte and Kubica transformed an expressive act of protest, like the sign with the footprints, into a work of art, and a protester into an artist.

As a space for artistic legitimacy and public recognition, the gallery space of *SolidARTity* created a new field where the protester’s work was seen as legitimate art. Indeed, some of the protesters came to the exhibition, surprised to find that they were in fact, one of artists being featured. A local paper emphasized this unexpected transformation, when in covering the exhibition called on the “unknown artists” to come find their art (Munson 2011). Stolte (2011) reported that several of the protesters showed up at the exhibition, happy to see their sign on display. Through this process, both the work and the identity of the creator took on new meanings and roles.

The self-proclaimed artists of *SolidARTity* and their work underwent a comparable transformation, albeit more complexly. Some of the artists, prior to the exhibition and the protests, were already political in their work (Stark 2011). Nevertheless, it was through their artwork and the exhibition that their political activity took on a new dimension. Artists like Michael Martin and Craig Grabhorn, enabled by the inspiration the protest offered, took to making series of pieces that were used in the marches at the capitol. Martin aimed to make a new composition each day, which he printed on his 11”x17” printer to take with him to the rallies, one of which also became an “instantaneous Internet hit” (Wolf 2011). Grabhorn, on the other hand, set up an on-site studio in an alley near the capitol,

where he created signs to be passed out to protesters (Stark 2011). On reflecting on the transformation of his work, Grabhorn stated to a journalist, “My art’s always been a little political...but it’s never been this blatant” (in Stark 2011: 2). Through the artistic opportunities that the protest offered, these artists created artwork that reflected on the events, which subsequently came to strengthen the protest movement at the capitol.

Additionally, through *SolidARTity*, the artists’ work transformed to have even further political impact. Through its collaboration of messages and reflections, its extensive newspaper coverage, and its continuous interaction with the daily events at the capitol, the *SolidARTity* exhibit became another voice of protest in the movement. Stolte in evaluating the exhibit’s impact said to a journalist “the show is becoming a part of the protest” (in Donoghue 2011). This was further demonstrated when the collection, while on display during concerts at two different music venues in Madison, helped generate money for the Democratic Party combating the bill (Stolte 2011). As with the protesters and their sign, through these developments, both the artist and the art took on new roles and intents.

In addition to these metamorphoses, the cultural objects of both the artists and protesters underwent further transformative processes of ownership and value. In their discard of the signs and banners, the protesters relinquished the ownership of their creative objects, which then became property of the exhibition when Stolte and Kubica rescued them from the garbage. Even upon seeing this newly assigned artistic value,

State Capitol, Wisconsin
<http://static.panoramio.com/photos/original/62105986.jpg>

however the protesters who did find their work at the exhibition were “pleased” (Stolte 2011: 2), making no expressive claims about ownership rights.

Conversely, the self-proclaimed artists of *SolidARTity*, began with a level of artistic value to, and ownership of, their work. This artistic value was retained through the legitimation and recognition processes of the exhibit, but, as with the protesters, the artists ceded any claims to ownership as their works took on new political value (through acts like the mass production of their work for the protesters at the capitol). Martin emphasized this point stating, “I have no desire to stand in the way of the images getting shared, and I also have no desire to sell or make money from them” (in Donoghue 2011). The artists, recognizing how their work served the protest movement, relinquished any formal forms of ownership.

Ultimately, the whole field of objects in *SolidARTity* became public property when the exhibition was donated to the Wisconsin State Historical Society (Stolte 2011), a symbolic act that reflects the complementary goals of both the fields of protest and art in this case. In place of debates about the ownership and royalties, a consensus prevailed among the artists, the protesters, and the curators in this exhibition that these objects were created to serve the common good. Through this



process these actors merged two complimentary ethics that permeate both the worlds of protest and art (respectively): the bypassing of immediate individual interests in the name of “solidarity” and the public’s “right to culture.” As a result, *SolidARTity* emerged.

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Homosexuality in Polish Public Discourse

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The European Union guarantees protection and equal rights for sexual minorities. Poland has been a member of the European Union since 2004; however, sexual minorities in Poland are still subjected to discrimination. The complicated history of Polish culture is closely connected to this fact. Throughout the country's history, religion has played an important role in Polish society, especially in the context of establishing national identity; therefore, it is deeply tied to Polish culture. The Polish Catholic Church constantly influences the political sphere since Catholicism has always been the most widely practiced religion in Poland. This is significant when discussing homosexuality in the Polish context. Also, the (re)emergence of far right conservative parties and organizations halts any improvement in terms of rights and/or acceptance by society that has already been made in this sphere. Nevertheless, a significant and positive change in the perception of homosexuality in Poland can be observed, the breakthrough occurring in the last few years, when the debate on the subject of sexual minorities was no longer a taboo and entered into the public discourse.

Ireneusz Krzemiński in his academic work entitled *Freedom, Equality, Otherness* illustrates the progress already made in terms of homosexuality both in Poland and Western Europe, as well as in the United States. The term

homosexual was first used in 1869 by a Hungarian doctor Karl-Maria Kertbeny who appealed to the Prussian Minister of Justice for the abolition of legal sanctions for having sexual intercourse with a person of the same sex. George Weinberg coined the term *homophobia* in 1972. It is defined as a prejudice manifested through contempt, hatred and aggression towards homosexual persons, as a result of an irrational fear of having a contact with one of a different sexual orientation. In 1978 Gilbert Baker designed the rainbow flag, which to this day symbolizes gay pride. Norway was the first country to introduce a law against discrimination based on sexual orientation in 1981. A year later, in 1982, the first Gay Olympic Games were held in San Francisco with 1300 participants. In 1989, the first weddings of same sex couples were allowed in Denmark. The Danish Evangelical Church decided to bless homosexual couples eight years later, in 1997. Amnesty International, an international non-governmental organization protecting human rights, began to protect those prosecuted for homosexuality. In that same year, the World Health Organization crossed out homosexuality from its list of illnesses, while the American Psychiatric Association had already crossed out homosexuality from its registry of mental illnesses by

1973. The European Parliament passed a resolution in 1994, in which it called on member, as well as candidate states, to recognize the rights of homosexual couples on an equal level with those of heterosexual couples. The resolution also called for the protection of homosexual couples against discrimination in all aspects of law. Chris Smith, a minister of culture of Great Britain, was the first openly gay minister elected in 1997. The government of the Netherlands in 2001 allowed registered same sex couples to adopt children (Krzemiński, 2006: 99).

The first informal meeting of self-identified Polish LGBTQ (Lesbian, Gay, Bisexual, Transsexual/Transgender, Queer) people interested in building an LGBTQ community in Poland took place in 1984. A year later, in 1985, the Citizens' Militia (State Police institution in the People's Republic of Poland) carried out an action called "Hiacynt," the goal of which was to officially register hundreds of LGBTQ persons, fearing the creation of an official LGBTQ movement. The first unofficial publications catering to the community were issued in Gdansk and Warsaw in 1987. That same year, registration of an LGBTQ organization was officially denied, which did not prevent the opening of the first gay discotheque in Warsaw's Praga-South district.

Only one year after the transition of 1989, the first LGBTQ organization called "Lambda" was officially registered. Its aim was to promote social tolerance, creating positive awareness of homosexual men and women as well as prophylaxis against AIDS. That same year, the first official magazines devoted to covering LGBTQ issues were distributed by RUCH, the biggest press distributor in Poland. In 1993, the first public appearance of LGBTQ people took place in Warsaw and in 2001 the first Tolerance March, also known as the Equality Parade occurred (Krzemiński, 2006: 100).

The significant and positive change in perception of homosexuality began when the vision of Poland joining the European Union became more realistic and as a consequence, the debate about sexual minorities entered the public discourse. A milestone for the new movement was the formation of the Campaign Against Homophobia (KPH–Kampania Przeciwko Homofobii) in 2001, whose main purpose was to create a new level of awareness in the society. It does not mean, however, that tolerance was a natural consequence of the progress, at least not in Poland. The change in perception of sexual minorities and homosexuality in particular can be observed mainly among the younger generation; it leaves a lot to wish for in regard to the rest of the society (Krzemiński, 2006: 137–163). The main reason for this is surely the lack of deeper knowledge on the subject and the fact that the minimal knowledge people do have is based on stereotypes that are far from the truth. This is the consequence of a lack of education and understanding, as well as one

of fear. This could be compared to Polish pre-war anti-Semitism that was based on negative stereotypes.

Agnieszka Graff, in her book entitled *Ricocheted. On Sex, Sexuality and Nation* discusses the interesting similarities between homophobia in Poland and pre-war anti-Semitism. She provides several examples, the first one being a picture of a crowd with disgusted and scornful faces and a banner stating: "Gay = matzos made out of children," which was published in *Przekrój*, a national weekly magazine. The second example was a statement written with a permanent marker on a chair of a Warsaw bus saying, "It is the truth, not a myth—where there is a gay person, there is a Jew." Comparing gays with Jews is a tactic that has been used by the neo-fascists attacking Equality Parades. Graff provides an example of one neo-fascist statement used during these protests: "we will do to you, what Hitler did to the Jews" (Graff, 2008: 110). Nothing more is needed in order to spark contempt and fear in a society; emotions and arguments are provided. It is in a way a shortcut, as Graff states, because if "they" are like Jews, that means they are everywhere and are plotting against us. If this is so, it is necessary to defend ourselves, and the best way is by throwing stones (Graff, 2008: 113). The association of a homosexual with a Jew is promoted by Polish Catholic-Nationalistic press, such as *Nasz Dziennik*, owned by Tadeusz Rydzyski of *Radio Maryja*, who is described as far right, anti-Semitic, and ethno-nationalist. Agnieszka Graff refers to a study of the continuation of anti-Semitic stereotypes in the homophobic discourse of far right parties,

conducted by Adam Ostolski. It shows that three key pre-war anti-Semitic terms, such as "depraver," "conspirator," and "pariah" were transferred onto sexual minorities. Today it is the homosexual, just like in the thirties it was the Jew, that is considered the main source of debauchery. A gay person in Poland today is perceived using the same discriminatory tropes that were used to construct the figure of the Jew for the Polish people in the thirties (Graff, 2008: 114–115).

The return of far right conservative parties, such as *Prawo i Sprawiedliwość* (Law and Justice), or PiS, into power in 2005 halted the legal progress already made. Although the party has not been in power since 2007, it is constantly trying to promote a homophobic stance and influence the political sphere as well as the public discourse. The party is constantly warning against European Union's policies protecting sexual minorities. In December of 2007, PiS proposed legislation against allowing European Union institutions to step into Polish national competences. The Union is seen by PiS as a threat against Polish values and traditions, and moreover the Polish nation. Agnieszka Graff illustrates that the term homosexuality functions in Polish national discourse as a synonym of a liberal project of a united Europe. It is no longer about tolerance, as it is no longer about sexual orientation, but about 'debauched Europeaness,' in which 'Polishness' may dissolve. (Graff, 2008: 138)

The current party in power, *Platforma Obywatelska* (Civic Platform), or PO, although more cautious in demonstrating its official position in regard to the rights of sexual minorities, has



still been unable to change the official attitude toward the LGBTQ community. Current Minister of Justice, Jarosław Gowin, refuses to sign the Council of Europe's Convention on preventing and combating domestic violence based on the opinion that this will open the door for 'homosexual' and feminist propaganda (CoE and Domestic Violence 2012). Further research conducted by Ireneusz Krzemiński and his team shows that the LGBTQ community lacks basic freedoms guaranteed by the constitution, specifically the freedom of expression. The community is trying to fight for it, since in theory the law grants them such a right; however, the LGBTQ community is disappointed with their position in Poland especially after the country's accession to the European Union because the community's members were hoping for more significant changes in their social situation. The representatives of the LGBTQ community claim that they lack freedom of expression and basic rights, while other groups that spread socially harmful views are enjoying such freedoms (Krzemiński, 2006: 169–171). Nevertheless, the activity of LGBTQ organizations in Poland does have some influence and in consequence has modified the social system, but it is a very slow process. The activists of sexual minority organizations were able to advance some legal changes, but they are aware that these changes are still not institutionalized in the form of social norms (Krzemiński, 2006: 162–182).

Homosexuality is no longer perceived as an illness or a mental disorder. More and more countries and organizations are granting protection as well as equal rights for sexual minorities. This is the case of the European Union. It grants protection and equal rights for sexual minorities in the legal sphere. It is different in the social sphere, especially in Poland, where more than 90 percent of its citizens are claiming to associate with the Catholic Church, which has always had a great influence on the political as well as public discourse. The Catholic Church does not accept homosexuality partly because it believes that procreation should be the main objective of any sexual intercourse and the case of same-sex relations does not lead to "traditional" reproduction. In addition, the far right and centre-right parties in power since 2005 have taken a step backwards in the progress already made in regards to sexual minority rights. Although positive changes in how homosexuality is perceived in Poland can be seen, it is mainly the younger generation that demonstrates such positive change. The rest of the society, including the most influential individuals, such as politicians, not to mention the hierarchy of the Catholic Church, are demonstrating the tendency of repeating the same historical mistakes, which are the result of what can be described as 'ugly' nationalism. Agnieszka Graff illustrates this phenomenon very well when she states that the fight against homosexuals and sexual

minorities is no longer a moral fight but a fight for the Nation, since "homosexuals," just like Jews in the thirties, are considered a threat to Polishness—Polish values and long traditions. The future of homosexuality and sexual minorities in Poland remains uncertain. On one hand, the legal sphere is constantly changing, guaranteeing LGBTQ organizations the right to legally exist and promote awareness, which is key to tolerance. For example, Anna Grodzka, the first transgender deputy in Europe, as well as Robert Biedroń, the first openly gay deputy, were elected in the most recent parliamentary elections, which shows that sexual orientation does not necessarily play a significant role in the decision-making process of voters. On the other hand, the strong influence of religion and the presence of far right conservative parties constantly halt the progress. It seems that only with a change of a generation will an actual improvement regarding homosexuality in Polish public discourse be seen.

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Specifying Human Rights at Home: What Does the Right to Marry Entail?

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Are human rights universal? We want to know the answer not only out of theoretical interest, but also because of its practical implications. Human rights are used to evaluate, criticize, and reform various legal and cultural practices. If these rights are not universal, such criticism may often be unjustified, so we want them to be universal. But at the same time, it seems that the moral and legal requirements entailed by human rights cannot be independent of the specific cultural and legal contexts where they are applied. How can we reconcile these two considerations, which seemingly pull in different directions?

One attempt at this reconciliation is a theory of human rights recently proposed by Ronald Dworkin (2011). It suggests that human rights are universal, but very abstract. In fact, we have only two of them, corresponding to two obligations of states: first, states should treat their citizens as equally important, and second, states should respect their citizens' special responsibility for the success of their own respective lives. On this view, international human rights instruments only list certain less abstract "human rights" (e.g. the right to marry) to helpfully point to areas where these two abstract rights can be violated—but these



<http://saifscribbles.files.wordpress.com/2011/12/human-rights-day-limg.jpg>

lists do not identify themselves the human rights we really have at a fundamental level (Dworkin, 2011: 337). In other words, human rights protect mostly against undue discrimination and undue state interference with individuals' lives. However, crucially, what counts as "undue," according to Dworkin, depends on the local context. For instance, an education policy in a poor country may not be interpreted as violating human rights, given the overall economic situation and cultural tradition of the country; whereas it would be a violation in a rich country, or one with different cultural standards (see Dworkin, 2011: 338). Thus, human rights are universal moral rights, but what they exactly require depends on the local context and should be specified in legal rights.

In this article, I want to examine how this theory can account for the right to marry (UDHR, §16; ECHR, Art. 12) and its application to the issue of same-sex marriage. Does the human right to marry entail a universal right to contract

marriage with a same-sex partner? I assume, for the sake of the argument, that some form of a right to marry is universally entailed by Dworkinian human rights. For example, it is an uncontroversial violation of human rights if a state denies its citizens the right to marry anyone. But the exact content and subjects of that right may depend on the local context. So, is there a universal human right to same-sex marriage, or is it up to the states to create (rather than acknowledge or fail to acknowledge) such a specification of the right to marry?

It is uncontroversial that *some* aspects of a right to marry are left unspecified by a universal human right to marry, and hence up for states to specify. Do you have the right to marry at the age of 16, 17, or 18? Do you have the right to contract marriage only in designated municipal offices, or also in your own backyard? I assume the universal human right to marry would not entail any answers to these questions. They must be decided by every polity, for



Ronald Dworkin, distinguished philosopher
http://upload.wikimedia.org/wikipedia/commons/8/80/Ronald_Dworkin_at_the_Brooklyn_Book_Festival.jpg

otherwise, it is left unspecified (and we cannot efficiently litigate for) what we are entitled to in the name of this right, or who its subjects are. Such policy decisions choose from among alternatives that may not be equally good for various moral and practical reasons, yet from a human rights perspective, all of them may be acceptable.

So what about the right to marry a partner of the same sex? Dworkin (2011: 334) suggests that a ban on same-sex marriage is indeed a violation of human rights. But it is not immediately clear what reasons we have to consider a ban a human rights violation. One could readily object that this is just one possible specification of the content of the more abstract right to marry. Why is it not within the permissible range of right-specifying policy regulations to restrict the content of this right to entering heterosexual marriages?

The problem is illustrated in law by the ECtHR decision in *Schalk and Kopf v. Austria*, where the applicants argued, *inter alia*, that the human right to marry (ECHR, Art. 12) entails a right to marry a partner of the same sex. The Court rejected the argument, claiming that it is up to the Convention

States to specify the content of the right to marry as set out in ECHR. Interestingly enough, the Court's legal reasoning is very much in line with Dworkin's theory; it acknowledges an abstract human right (though still a less abstract one than the two rights Dworkin suggests as fundamental), and allows particular polities to specify the content of that abstract right in their legal systems.¹

That a theory of human rights justifies the Court's argument seems, at first, a rather unappealing feature of the theory. After all, if we cannot raise human rights-based objections to a given state's restrictive specification of the content or subjects of a human right, we lose much of the function of human rights discourse as it is presently used in activism and litigation. Intuitively, it should not be entirely up to the states to decide on such matters. We seem to face a dilemma: either we accept the theory underlying the Court's decision (seemingly in line with Dworkin's view) and bite the bullet that the right to marry does not entail a right to same-sex marriage, or we must reject the—otherwise fairly plausible—theory that human rights are abstract and in need of

specification. Can we escape the dilemma? If we cannot, it shows that we should either come up with a better theory of what human rights are like and what they require, or we should instead revise human rights practice in accordance to the Dworkinian theory of the content and specification of human rights.

I argue, nonetheless, that we face a false dilemma. Dworkin's theory has the resources to justify both the intuitive judgment that there is a human rights violation involved in denying same-sex couples the right to marry, and the Court's argument cited above as well as the need to specify human rights. On the one hand, the ban on (or the legal incapacity to contract) same-sex marriage can be argued to violate both of the fundamental human rights Dworkin postulates: it seems hard to interpret such a policy as acknowledging citizens' equal importance, as much as it is hard to interpret it as acknowledging that citizens have a special responsibility for the success of their lives—i.e., as granting that they should be left to decide for themselves what a good life consists and to pursue that conception of a good life (as far as this does not impede others' special responsibility for *their* respective lives). Notice that the applicants in *Schalk and Kopf v. Austria* also put forth an argument along these lines: they claimed that the right to respect one's private and family life (ECHR, Art. 8) in conjunction with the right to the non-discriminatory application of human rights (ECHR, Art. 14) does entail a right to same-sex marriage.²

On the other hand, Dworkin's theory confirms the Court's decision insofar as the account for a right to same-sex marriage I

offered in its spirit does *not* infer this right from a right to marry. So, the important conclusion for our purposes is that while there *is* a human rights-based argument for same-sex marriage, it is premised on much broader and abstract rights than the right to marry. The theory makes it clear that the right to marry is, so to say, at the wrong level of abstraction to be the source of arguments regarding its own specific content. It is fairly

individuated at an intermediate level of abstraction, e.g., the content of the right to marry, must be specified in particular legal systems. At the same time, it highlights the unsurprising but important conclusion that although it might be pragmatic to argue for the specific right to same-sex marriage from the right to marry, especially in activism, no legal or moral argument resting on a human rights basis can be entirely satisfied

The content of human rights individuated at an intermediate level of abstraction.

abstract and therefore calls for specification in the legal framework of particular polities. But it is less than fundamental. Accordingly, the theory also shows—and this may be hardly surprising—that the argument against particular (restrictive) specifications of the right to marry cannot derive directly from the right to marry, but only from much more fundamental human rights that justify the right to marry itself.³

Even if we do not agree with every specific aspect of Dworkin's theory, the strategy it offers is suggestive. It acknowledges that the content of human rights

with that: we must go further and argue directly from other, more fundamental rights that forbid too restrictive specifications of the right to marry.

NOTES

- 1 There is a disanalogy between the Dworkinian approach and the legal case insofar as the latter illustrates the problem of the domestic specification of international legal rights, whereas the former concerns the legal specification of pre-institutional moral rights. I do not think this disanalogy bears on my argument, which tackles the problem of the domestic specification of abstract human rights in general—whether they are pre-institutional (moral) or institutionally codified (legal) rights. Therefore, in the following, I will continue to use the expression “abstract human rights” ambiguously between these two interpretations.

- 2 The Court rejected this argument, too, though Judges Rozakis, Spielman and Jebens accept it in their dissent, which might indicate at least the higher credentials of such arguments not only as pieces of moral argumentation but also as legal reasoning.
- 3 Of course, both parties to the case cited also appeal to the *function* or nature of marriage in their dispute concerning the argument from the right to marry, so as to squeeze out justifications for that right that would hopefully provide reasons for or against some specific restrictions. But the applicants' argument from the right to marry still stops short of making a good case, as they only explain why a proper justification of the right to marry is insufficient to impose certain specifications of it—rather than arguing why other human rights are sufficient for forbidding such restrictive specifications.

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Building of European Court of Human Rights in Strasbourg

<http://diogenesii.files.wordpress.com/2010/10/human-rights-building-in-strasbourg-france.jpg>



Inter-American Court Strive for Equality

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Early this year the Inter-American Court of Human Rights (the Court) has, for the very first time, ruled on a case of discrimination based on sexual orientation. This is a truly historical ruling that comes at a time of great changes around the American continent where countries like Canada and Argentina allow same-sex couples to marry but also where states like Jamaica continue to criminalize homosexuality.

The case is that of Ms. Karen Atala, a Chilean lawyer and judge who successfully fought back against homophobic policies and attitudes. In doing so, she secured a great victory not only for her and her family but for all those who truly believe in equality.

After divorcing her husband Ms. Atala was granted, by mutual consent, custody of their 3 little girls. But a year later, when her former husband found out she had entered into a same-sex relationship and that her partner had moved in with her and the girls, he filed for custody. He asked to be granted custody arguing that because of the mother's same-sex relationship, the children's *emotional and physical development was at risk* and because of the mother's sexual practices *they were at constant risk of contracting sexually transmitted diseases* (Commission, para 41).

After a long legal battle, the Chilean Supreme Court ruled in favor of the father. It argued that when the mother entered a same-sex relationship she put her interests before those of her daughters. The judges also expressed concern that the girls might become confused regarding their sexual roles (Commission, para 60).

This judgment reflects a clear homophobic view of society and family life and it also shows a disturbing interest in women performing their assigned "proper" gender roles. It shows how people's lives are directly affected by homophobic views and how such views reign high in all levels of society.

However, this case also shows the role international tribunals play in protecting human rights, when national ones fail to do so. In this case, the international tribunal which stepped up against discrimination was the Inter-American Court of Human Rights.

In dealing with this case the Court utilized article 1.1. of the American Convention on Human Rights which states that:

The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.

Inter-American Court of Human Rights

http://nllsa.files.wordpress.com/2010/03/img_56261.jpg



Article 1.1 prohibits discrimination on a number of grounds. However, the Court explains that this list of grounds is not an exhaustive one [para. 85]. Even though sexual orientation is not explicitly mentioned, it can be drawn that it is considered a ground on which one can be discriminated against and such discrimination is forbidden according to the above-mentioned article [para. 91].

The Court then went on to find that Chile in its decision over the custody of Karen Atala's children, had discriminated against her [para. 146].

This is the first time the Court has held that sexual discrimination could be a ground for discrimination. By doing so, the Court has opened the door to a number of claims of discrimination based on sexual orientation and has also set a favorable precedent. This way the Court has taken the fight for equality a step further in the American continent.

As to the concrete effects of this ruling, one can only speculate; but for now, it is great to see courts taking up their rightful place in societies and applying the law uniformly so as to ensure equal human rights for all.

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Interview with Orsolya Ferenczi

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Being a non-native Hungarian speaker encapsulated in the CEU-bubble, it is not always easy to stay up to date on government politics and the wave of protests that in the last two years has swept Hungary. I met up for tea and a political chat with Orsolya "Orsi" Ferenczi, 26, activist and MA student in Sociology and Social Anthropology at CEU. Orsi kindly guided me through the jungle, explaining some of the vital things about the current government and the protest movement and sharing her best activist memories in the interview summarised below.

Orsi, can you please tell us a little bit about your experience as an activist in Budapest?

I became active in Milla, which is One Million People for the Freedom of Press.¹ Milla is the original name of the group that has developed into a general political movement against the politics of Fidesz and for the democratic alternatives. I got involved because many of my friends who go to Siraly² are active, for instance Adam Schönberger, one of the leading figures in Marom Budapest,³ and Noémi Herczog who works as a theatre critic. Many people who are involved in cultural fields are now also becoming politically active.

I started to appreciate a type of activism which is beyond the usual way of doing politics, because in Hungary when you want to become

involved you usually have to start your career almost as a child in a political party and work yourself up. In this movement you have to come up with your own ideas and be in charge of concrete tasks. This is the difference that I like. Still, Millio is not doing enough. This year on the 15th of March less people showed up for the demonstration than last year due to their reluctance to cooperate with Szolidaritás, due to the class-division of the protest movement.

Which is your best activist memory?

The process of organisation of the different protests is always a good thing when we are working together, sitting down discussing and planning everything, but the best was last year in March when we had the biggest protest so far and I really

felt that there is force in people and that all of the work put into it was worth it. To see the result is the best thing, to see that many people are coming, taking an active part, caring about their situation. Then we were organising together with Solidarites and also had a lot of musicians and people from abroad taking part.

How should we conceive of the wave of protests taking place the last two years?

Now there is a new phenomenon in the organisation of the protest movement. Before almost all of the big protests were organised by political parties. It's just recently that civic movements are able to mobilise large numbers and convince that politics is taking place not only in the parliament but also on the streets. This offers a possibility for people to rethink what politics really means. People are realising that there are more things you can do rather than just voting, because that's not enough! The large-scale civil movement has just been founded. I don't know if it will continue or grow, but at least it has started!

How would you describe the current situation in terms of political balance of power?

The current political situation shares certain worrisome features with pre-WWII Germany. There is no democracy now in Hungary, it is an anti-democratic political order. Fidesz now have 2/3 of the seats in the parliament which allows them to rule without listening to the other parties. The worst scenario I can imagine in the 2012 elections would be that Jobbik gets an absolute majority and can form

a government without any external support. But this is not very likely. However, if they would do, Hungary would turn into a fascist state. I think it's more likely that Jobbik and Fidesz together will get a very large majority of the votes, but none of the parties will manage to reach 2/3 majority individually. In this case I would be really pleased if Fidesz wouldn't cooperate with Jobbik.

Currently Jobbik is almost as important political power as Fidesz. The party has become so popular because it is speaking about Roma related issues, the most taboo subject in Hungary, employing a really violent discourse. Jobbik doesn't want to integrate Roma as full citizens but prefer to make them work as slaves. This has already happened in some of the villages in the countryside with the introduction of the Közmunka-program.⁴

What do you personally find particularly worrying about Fidesz politics?

They have returned to a narrative that I didn't know from before but my parents do, because they treat the electorate as their own children and decide everything without knowing anything how the people will react. I think I couldn't say one or two things that I find particularly unacceptable, for every day there are news that upset me. It's really difficult to tell you which part of the constitution I dislike the most. Take for example the preamble that include references to God. Why should Hungary have a religious constitution if this is supposed to be a secular state?

But for me who come from a pedagogical background the

educational part really disturbs me because there is going to be so much control from the top. The government has also increased the number of pages that the children have to read so in four years they have to read 4000 pages. In Hungary we have the problem that people don't know how to read and write so it would be very important to teach in a way that the children will learn properly and understand what they are reading. Before I was planning to become a teacher, but now I have ruled out this option because of these educational reforms.

I also find it unacceptable, as a student who has many young friends, that the new laws prohibit leaving the country for three years after you've graduated. It reminds me of the old times of state socialism when it wasn't possible to leave the country. In this way the Fidesz government restricts your freedom, and that's my biggest problem with this party, that they want to limit my freedom. I'm not saying that living in a capitalist state means complete freedom, but having heard my parents' stories about repression and control during the socialist regime, I have always been happy to be able to travel between countries and the ability to change profession and to be free to do what you want with your life. That's what Fidesz wants to take away.

How about the new media laws?

We call these laws "gummy laws" because it is really difficult to apply them. So far they haven't had any real effect but it is always possible to apply them. The law states for instance that each media product has to contain a "balanced account"

that is not representing just a single political party view but all of them to an equal extent. Now for example HVG, Hungary's, in my view, most important weekly magazine recently published the story of the President of the Republic's plagiarised doctoral thesis. Fidesz can use the new media laws to fight back. This is bad, but for me, the abortion clause of the new constitution is probably even more disturbing.



Orsolya Ferenczi

Interview

Why?

Currently it only exists as part of the constitution but they could at any time make it a law and start enforcing it. The constitution says that any living creature has the right to life, so in theory abortion could become completely banned.

On a slightly different note, why or how has Fidesz become so popular?

There is no real secret behind the 68% they got in the last election.

It is just that they don't like the last government. It was a really personal issue that set off the hate against the last government because they had a prime minister that was speaking really insincerely at one of the sittings of the party. He said that the party was lying all the time and didn't introduce the reforms. After that in 2006 people were protesting and protesting for weeks and months outside of the Parliament on Kossuth Ter and he

didn't resign and that meant that he was just interested in staying in his position and didn't listen to people and that created a huge tension in Hungarian politics. People started to hate not only him but all of the party. It doesn't have so much to do with economic or [the Socialist] party's way of governing. After he resigned there was a really great Prime Minister, but even that didn't help [to restore trust and confidence in the socialist party]. People here are to a certain extent used

to hearing lies and couldn't bear hearing the truth. That's why they wanted him to resign.

On a final note, is there anything that you would like to say to your fellow CEU students?

I really would like to see more interest from the CEU students. What is happening now in Hungary is a general European issue and it concerns everyone who is here and wants to live in a peaceful democratic country where you have rights. Not just human rights but also a society where people make their own decisions, because that's what we don't have at the moment.

The best way to get involved is to find an organisation and then start from the bottom with distributing flyers. It's great how the girls from Gender Studies always are present at the protests, making drum-shows. It helps a lot. They make good examples that others should follow. If you are in a foreign country, even if you're just a student you should stand up for democracy and for the people who want a progressive change.

Thank you, Orsi, and all the best!

NOTES

- ¹ In Hungarian: The full name of Milla is Egymillió Magyar Sajtószabadságért
- ² Sirály is an independently run bar and cultural centre located on Király utca 51, District VI.
- ³ You may find more information about Marom on their website: <http://www.marom.hu/en/home/aboutus>.
- ⁴ A public workfare program. The labour conditions are 40 hours a week at a salary of 47.000 Forint/month.

The Concept of Prisoner Rehabilitation in Case-law of the European Court of Human Rights

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The acceleration of European integration and a growing number of international and transnational crimes committed in the 1990s created incentives for active cooperation in criminal matters and the development of unified standards and approaches towards offender management. Recommendations on community sanctions and measures, on supervision and after-care of conditionally sentenced or conditionally released offenders, Probation and Prison Rules, etc. have indicated a current consensus among the Council of Europe member states in regards to the penal policy principles and its objectives. Further, the obligatory character of judgments and the relatively broad jurisdiction of the European Court of Human Rights (ECtHR) make it an important player in shaping effective and legitimate penitentiary policy. This role is especially evident in the sphere of prisoners' rights. Despite the fact that there is no general right to rehabilitation of offenders in the European Convention, the case law of the ECtHR has laid down important principles in the sphere of criminal justice, which might have great potential in promoting rehabilitation as a penal strategy in Europe.

In *Hirst v. United Kingdom (2005)*, a case concerning prisoners' right to vote, the Grand Chamber of the ECtHR formulated its general approach to the rights of prisoners, affirming that "prisoners in general continue to enjoy all the fundamental rights and freedoms guaranteed under the Convention save for the right to liberty.... Any restrictions on these other rights must be justified." Thus, prisoners should be considered as an equal part of the community and treated with respect and justice. As Uggen and Manza argue, the restoration of voting rights is essential for social rehabilitation and inclusion (2002: 796). This is why the ECtHR judgment in *Hirst* might be seen as a

further step in this direction. Nevertheless, accepting the need to guarantee rights protected under the Convention (full legal citizenship of prisoners),¹ the Court has fallen short of establishing a comprehensive and precise vision of basic principles and objectives of penal policy with regard to prisoners.

A further move along this path was made in the Grand Chamber judgment in *Dickson v. United Kingdom (2007)*, concerning prisoners' access to artificial insemination facilities, where the Court, taking into account the latest recommendations of the Council of Europe, acknowledged that in recent years there had been a trend towards placing more emphasis on rehabilitation. The Court also emphasized that rehabilitation constitutes the idea of re-socialization through fostering of personal responsibility, rather than compulsory treatment of offenders. Thus, on the one hand, the ECtHR reaffirmed the rehabilitative ideal articulated by the Chamber in *Hirst v. United Kingdom (2004)* and, on the other, endorsed the notion of individual human agency, devalued in the treatment model. Regarding the regime for sentenced prisoners, the ECtHR referred to the "progressive principle" which entails preparation of prisoners for release into society. This principle implies that all prisoners, including those sentenced to life imprisonment, shall have a chance to be considered for release.

The problem arises though in relation to life imprisonment without parole. In *Vinter and Others v. United Kingdom (2012)*, the Court disregarded basic principles enshrined in Prison Rules and Council of Europe Recommendation on the management of life-sentence and to a certain extent its own judgment in *Kafkaris v. Cyprus (2008)*. It concluded that life imprisonment without parole in its stringent form

(irreducible), when there is no feasible (de jure and de facto) mechanism for review of custodial sentence, did not violate the Convention. Moreover, the ECtHR emphasized that none of the applicants had demonstrated that their continued incarceration ceased serving a legitimate penological purpose. This logic is flawed because it undermines the very notion of rehabilitation. I agree with Fergus McNeill that desistance can only be provoked by someone believing in the offender (McNeill, 2009: 27). Life imprisonment without parole suffocates any hope of those in charge of prisons. Moreover, since there is no hope of being released, the incentives for constructive change of offenders' behavior are minimal and the very notion of reintegration is rendered meaningless. Thus, punishment and deterrence, dominant characteristics of the crime control model, have prevailed in this case.

By arguing that the Court's interpretation of the Convention rights might have a positive impact on the embracing of more humane and rehabilitative policies in Europe (see *M. v. Germany (2009)* and *Preventive Detention I, Preventive Detention II (2011)*), I shall emphasize that a "state-obligated" rehabilitation described by Rotman (1990) and Lewis (2005) is far from the logic applied by the ECtHR. As stated above, there is no justiciable right to rehabilitation. This is why the concept of a positive obligation, which requires a state to take reasonable measures to protect the right, seems to be the most promising in advocating rehabilitative ideals of criminal policy. The desistance paradigm promoting support of the natural or self-centered process of change in the offender presents an important theoretical background for capturing rehabilitation within a human rights discourse. From this perspective, a right to private and family life (Article 8), freedom of thought, conscience and religion (Article 9), freedom of expression (Article 10), and non-discrimination (Article 14) retain particular importance for the purposes of supporting social bonds (the construction of bridging social capital) and developing attitudes and motivation (the construction of human capital). This is how the Court's interpretation of the Convention might have a spill-over effect on advancing human rights and reintegration principles in penal affairs. The values of humanity and social inclusion, advanced by the ECtHR, can also have a positive indirect influence at the national level. For instance, it may lead to an increased use of restorative justice and probation techniques, which mitigate an alleged

conflict of victim-offender rights and help to avoid the dangerous path of balancing rights.

At the current time, when penal policies of many countries turn to be more punitive, adopting a language of risk management and public protection, rehabilitation as a value is undermined by an increasingly pragmatic vision of it as a tool in reducing reoffending rates. In this respect, human rights rhetoric is becoming an important vector in affecting theoretical and practical developments of policy in the sphere of criminal justice across Europe. It is too premature, however, to conclude that the ECtHR has worked out a consistent and definitive approach towards principles of penitentiary policy in regards to prisoners. At the same time, we should not underestimate its potential in promoting the ideals of prisoners' rehabilitation to prevent their social exclusion and labelling.

NOTES

- 1 Full legal citizenship entails full and equal enjoyment of rights and freedoms given to citizens of a respective country. Limitation (or deprivation) of rights, e.g. right to vote, to serve on juries, etc. disenfranchises prisoners and promotes their social exclusion. For further reading, see Brown and Wilkie (2002).

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An Uncertain Revolution – Bahrain and the Arab Spring

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The 14th of February, 2011. As many of us in the West enjoyed Saint Valentine's Day, protesters filled the streets in the capital of Bahrain, Manama. It was a special day—the tenth anniversary of the National Action Charter, voted on in a referendum, enacted by King Hamad ibn Isa Al Khalifah, a milestone to end the uprisings of the 1990s and a return to constitutional rule.

The Charter held a promise of reform by the ruling elite and reconciliation between the Sunni minority and Shi'a majority of the country. The Shi'a have been discriminated against by the Al Khalifa ruling family (who hold the majority of high-ranked government positions) since Bahrain became an independent state in 1971. They constitute a mostly rural, working class population who were left out from the riches the country acquired through oil revenues. Although for a while the Sunnis and the Shi'a joined as allies against the British, from the 1950s onwards clashes became regular. The Shi'a were at the core of many uprisings and strikes, protesting their subservient status, and thus also at the heart of reform

movements (al-Mdaires 2002). They suffer from underemployment and underrepresentation in the government and its organizations (Bahrain Center for Human Rights, 2003). It is important to mention that framing the conflict as only sectarian and perpetrated by the Sunnis is incorrect; it is as much a social strife as it is the result of the colonial ruler's "divide et impera" strategy. The British, through a series of treaties starting in the 1820s, promised to help the Al Khalifa family stay in power and to protect the country in exchange for complete control over its foreign policy. At the same time, this divide is not necessarily ingrained in the everyday lives of people as is sometimes presented in the media (for example, intermarriages are common, except in times of political crisis, when such identities are easy to draw on and exploit).

In the years after the Charter though, the promises of reform turned out to be false hopes. The actions were often not properly implemented—if at all (Peterson 2009, 174). The life situations that caused the people distress remained the same, and thus hardly any change was felt.

The demonstrations were peaceful, the people were even in favor of consolidation in the beginning and there was no talk of overthrowing the King's regime. The prime demand was the release of hundreds of political prisoners. However, the security forces' violent crackdowns and the relentless protesters' return repeated in cycles for one month. On the 15th of March, troops from the Gulf Cooperation Council's Peninsula Shield force entered Bahrain on a plea by King Hamad, to subdue the uprising. For a while, it seemed that they succeeded; the demonstrations became sporadic, concentrated in smaller towns, but in 2012, their numbers and strength increased again.

In the period of a little more than a year, around 74 people died (Bahrain Center for Human Rights 2012b) and more than 2500 were injured. Hundreds were arrested and tried, or went into exile. Those who avoided these two fates were often fired from work (for example, many of the medical staff who treated the injured protesters) or school (Bahrain Center for Human Rights 2012a).

"There are no political prisoners in Bahrain...there are only

criminals," said King Hamad to journalists of *Der Spiegel* (Der Spiegel 2012-02-13), excusing the atrocious ways the government handled the captives. The police used tactics of intimidation and torture to draw false confessions from the victims and held people on arbitrary charges in violations of human rights.

There were of course organizations intervening on behalf of these victims, trying to raise local and international awareness of the situation. These human rights-focused entities are regularly subjects to harassment and persecution, banned or allowed to exist only unofficially. The members are often arrested on the basis of fabricated charges and sentenced to lengthy prison terms. An example of this is the case of the president of the Bahrain Center for Human Rights, Abdulhadi Al-Khawaja. He was taken into custody in April 2011, and subsequently tortured in prison. His captors declined to treat his injuries (Al-Khawaja 2011). He was given a life sentence. As of now, he is on a hunger strike protesting his treatment by the government, until "freedom or death." (As-Safir 2012-03-19).

This February, multiple foreign nationals were deported on the basis that they took part in the protests while staying on tourist visas. Western journalists were previously

harassed and their equipment confiscated (Halliday 2011). On the other hand, those foreigners who are specially recruited for jobs in the army or the national security agency (*Mukhabarat*) are warmly welcomed, even given citizenship (Bahrain Center for Human Rights 2011, 86); which in Bahrain, like in the other Gulf states, is notoriously hard to acquire unless by birth (Bahrain Government 1963). This is a tactic also to gain more votes for pro-government parties, since the last elections in 2010 were won by al-Wefaq, an oppositional bloc, despite the ban on some people to cast their votes in areas where the opposition is usually strong (LA Times 2010-10-24). The reverse also happens—stripping those accused of treason from their citizenship (Alwasat 2010-09-20).

In November 2011, the results of a fact-finding mission by the Bahrain Independent Commission of Enquiry (BICI) were released to the public. Despite the fact that this organization was created on the King's orders, it condemned the severity of the government's actions against the protesters and presented the violations of human rights in detail (though according to Bahrain

Watch, it did not go far enough in naming the perpetrators, for example) (Bahrain Watch 2012a). At the same time, a process of 'national dialogue' was initiated to outline the steps needed to be taken on the path of reforms.

Unfortunately, the promising talks have yet to yield tangible results. The government is sluggish in implementing the BICI's and others' recommendations, or even violates them. (Bahrain Watch 2012b, Bahrain Center for Human Rights 2012a). Reforms, such as installing cameras in interrogation rooms, have been initiated in police quarters to discourage abuses (Gulf News 2012-03-23), but according to Ali Al Aswad, former Member of Parliament, this just means that the torture now takes place in other, unofficial sites (Al Aswad 2012).

Both the mainstream media and the Western governments have kept rather silent on the events in Bahrain, with the exception of the controversy whether the Formula One car race should be held there or not. European states have even supported the Bahraini regime with surveillance technology to be used in observing and censoring the opposition (Der Spiegel 2011-



<http://thehiddentranscript.com/wp-content/uploads/2012/01/arab-spring.jpg>

08-12). There is occasionally a condemnation, an article here and there, but the island mostly falls outside the scope of attention. One reason for this is the small size of the state and the overall relatively low number of casualties so far.

The other, more important, reason is Bahrain's strategic importance in the region; it lies in the nexus of interest between the USA, Iran, and the GCC (more specifically, Saudi Arabia.) The USA stations its Fifth Fleet in Bahrain. This fleet is responsible for the naval control of the whole Arab Sea and Gulf Region, and the eastern coast of Africa. In the case that a military conflict develops with Iran, it will be of utmost importance for the USA to ensure continuous, effective operations from this base, and it is questionable whether the USA could relocate if it came to a break with the King's government.

At the heart of the government's repression of the Shi'a opposition lies the fear of losing power to

them, and thus to Iran, who has an "unhealthy interest in [our] land." (Der Spiegel 2012-02-13). The commander of the Defense Forces claims the protests were a coup attempt organized from abroad (Alayam 2012-02-14). The government tried to draw connections between the opposition and Hezbollah (a Shi'a armed opposition group in Lebanon who is believed to be financed by Iran),



asserting that key figures were trained in their camps (Wikileaks 2009). According to the BICI report, there is no proof that Iran was involved in the uprisings this time (Bassiouni et al. 2011, 383.)

This fear is shared by Saudi Arabia, Bahrain's strongest ally. The kings of the two countries are close friends and King Abdullah is willing to cooperate so as to prevent his own Shi'a population

from being inspired by the potential success in the neighbor state. He also has an interest in keeping up Bahrain's good reputation as a stable financial center of the region to prevent adverse effects on the Saudi economy. The Sunni rulers of the other GCC states, and some of the the Arab League members, such as Egypt (Al Bawaba 2011-04-06) and Yemen (SABA News 2011-05-01) also supported these actions.



On the other hand, Shi'a political parties and communities have expressed their concern about the actions of the Bahraini government and voiced support for the opposition. For example, in Iraq, Moqtada al-Sadr called for protests alongside the Arab League summit to have the issue officially discussed and the King banned from participation. (USA Today 2012-03-09) Earlier, the Grand

al-Ayatollah Sistani and Prime Minister al-Maliki both condemned the use of violence against the protesters (ABC News 2011-03-17). Hezbollah's leader Nasrallah praised the uprisings, wondering whether the silence of the Arab and Islamic nations is because of their prejudice against the Shi'a (Ya Libnan 2011-03-20).

By examining the unfolding events, it seems likely that the King is repeating the mistakes of the past, not fulfilling his promises and holding staunchly onto his family's power. Hamad is considered a political pragmatist, intent on reaching a peaceful state where the elite can retain control (Peterson 2009, 172). According to him, the Arab Spring is "the affair of other states." Meanwhile, like many of his fellow monarchs in the Gulf countries, he urged Bashar al-Assad to follow the wishes of the Syrian people and step down (Der Spiegel 2012-02-13). He could heed this advice himself.

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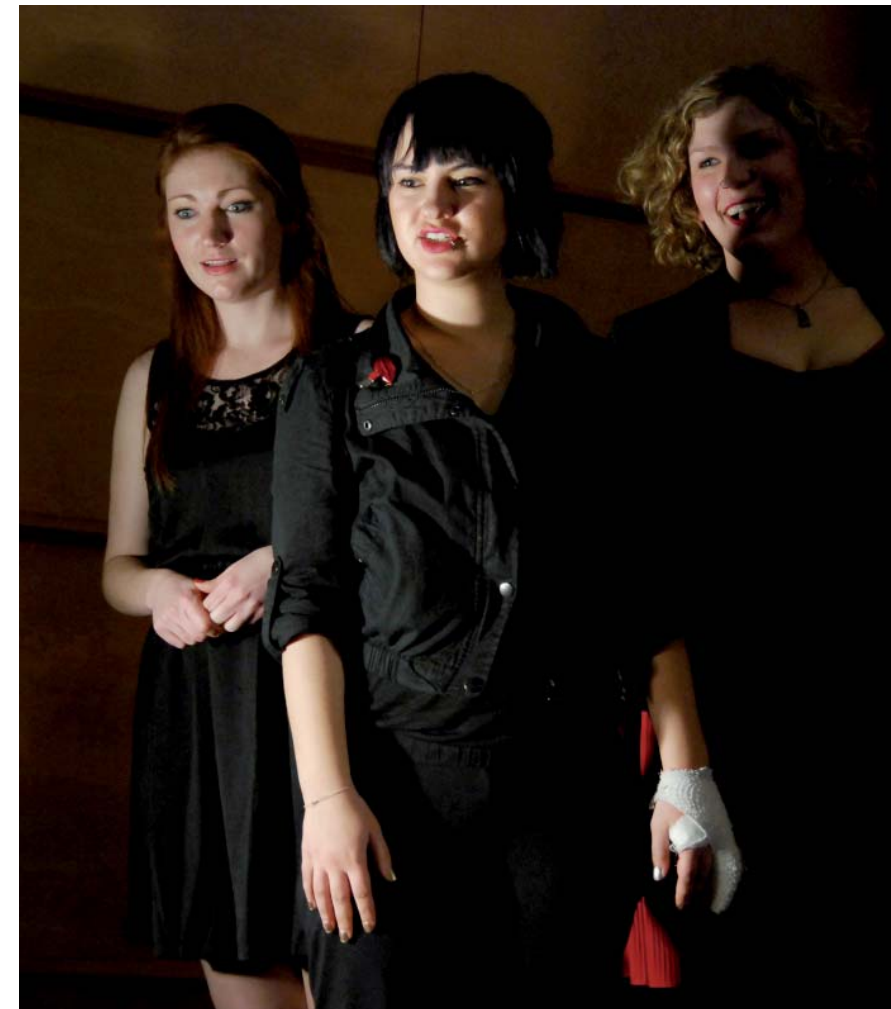
The Vagina Monologues

The Vagina Monologues is one of the largest-scale events organized by Human RightS Initiative every year.

This year, over 22 people – CEU students, staff and faculty members were involved in the production of the play as actors, volunteers, photographers, directors, stage designers etc.

Two performances were held in the auditorium on March 29 and 30, attended by more than 300 people, members of CEU community or general public.

The production fundraised over 250,000 HUF which was donated to the Lehetőség Családoknak 2005 Alapítvány (Chance for Families Foundation 2005)—a safe house founded in 2005, offering special services and shelter/housing for women.

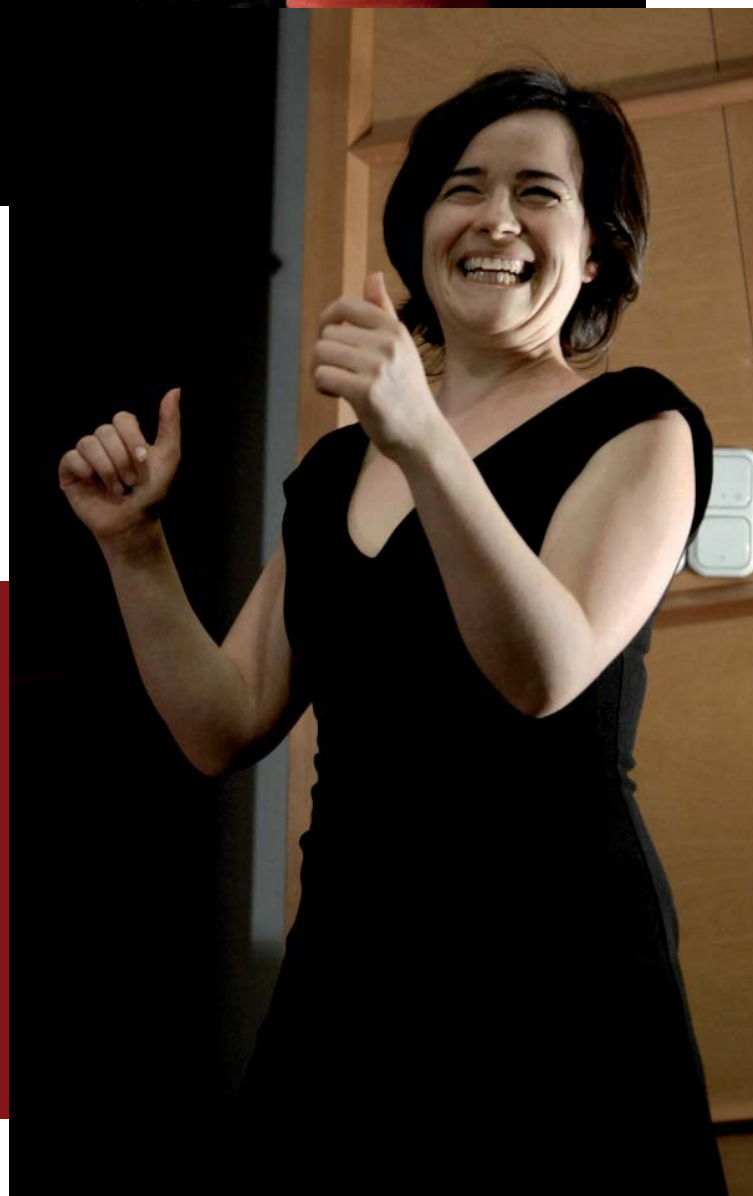




About the Vagina Monologues

The Vagina Monologues is the award-winning play and it is based on V-Day Founder/ playwright Eve Ensler's interviews with more than 200 women. With humor and grace the piece celebrates women's sexuality and strength. Through this play and the liberation of this one word, countless women throughout the world have taken control of their bodies and their lives. For more than twelve years, The Vagina Monologues has given voice to experiences and feelings not previously exposed in public.¹

¹ <http://www.vday.org/organize-event>.



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About V-day

V-Day (www.vday.org) is a global activist movement to end violence against women and girls that raises funds and awareness through benefit productions of Playwright/Founder Eve Ensler's award winning play *The Vagina Monologues* and other artistic works. In 2011, over 5,800 V-Day benefit events took place produced by volunteer activists in the U.S. and around the world, educating millions of people about the reality of violence against women and girls. To date, the V-Day movement has raised over \$85 million and educated millions about the issue of violence against women and the efforts to end it, crafted international educational, media and PSA campaigns, launched the Karama program in the Middle East, reopened shelters, and funded over 13,000 community-based anti-violence programs and safe houses in Democratic Republic Of Congo, Haiti, Kenya, South Dakota, Egypt, and Iraq. In 2001, V-Day was named one of Worth Magazine's "100 Best Charities," in 2006 one of Marie Claire Magazine's Top Ten Charities, and in 2010 was named as one of the Top-Rated organizations on Great Nonprofits.²

² <http://www.vday.org/about>.



On the right, Wydera, leader of two of the groups and mother of eight children. On the left, Rahel, adult literacy teacher.

A Snapshot from Women's Self-organisation in Tana River District, Kenya

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Handaraku is one of the remote pastoral villages in Tana River District, the dry coastal region of Kenya. This community, comprising around 400 inhabitants has over the last couple of years seen the organisation of 6 very active, self-sustaining women groups. They meet several times a week to practice reading and writing, socialise, discuss pressing issues, and plan and carry out income generating activities such as collective cattle and poultry raising as well as small scale farming.

While government policy and the large scale internationally sanctioned development schemes do little to advance the life prospects of the inhabitants of Handaraku, instead of waiting for Godot, the women group initiatives bear witness of the achievement of some immediate progressive change through truly locally driven politics of small steps. I followed the women groups through March to May in 2011 and was very impressed to learn how these small scale initiatives really can make a difference in ways that may not be obvious at first sight.

Members of Handaraku's women groups together with Joan, manager at the YWCA, the organisation to which the groups are affiliated.



In Handaraku, where male control over resources have been strong and women previously have been prevented from self-organisation, the male members of the community are now realising how the women groups matter positively not only for the individual members but the community as a whole. Government land policy and increasingly scarce and erratic rainfalls require diversification of income sources and reasons to transform the power structures within the community. The income of the diverse projects of the women groups serve as a buffer against hunger but also enable the members to send more children to school.

The members of the women groups regret that they were denied education and therefore try to enable as many of their children as possible, including the





Members of Upendo and Umoja.
Children in school uniform.

girl children, to go to school. Speaking with members of Maderte, the girl youth group, it became clear that getting access to education is their main wish. Schooling will not only delay the time of their marriage but also enhance their status within the community and give them more of a choice how to lead their life and assert their own and the community's rights.

Both members of Maderte and the other women groups also realise the opportunities the engagement brings them. They have started to take part in various trainings on political and health related issues with members of other groups and communities. The dialogue between the representatives of different groups facilitates critical reflection on one's own cultural practices and gender power relations and, in addition, contributes towards rebuilding trust in the aftermath of violent clashes in the area following the elections in 2004–2005. Whereas women previously have been barred from taking part in formal decision-making, the knowledge acquired on trainings and the relationships developed with the members of other communities prove vital in empowering the women of the community while simultaneously serving the interest of development of the community and the region as a whole.

Members of Maderte girl youth group after a drama workshop
on gender power relations.

