



THE ACTIVIST

HRSI's annual human rights journal

MAY 2015

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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 **Anna S. G. Robinson**, Editor-in-Chief, proofreader; **Nuruddin Ahmed**, Editor-in-Chief; **Orsolya Mikola**, associate editor; **Nataliya Novakova**, associate editor; **Jacob Verhagen**, associate editor, proofreader; **Alona Kiriak**, associate editor; **Andres Sarabia**, associate editor, proofreader; **Camille Hesterberg**, associate editor, proofreader; **Eimear O'Neill**, proofreader; **Freyja Jónudóttir Barkardóttir**, associate editor, proofreader; **Giavana Margo**, associate editor, proofreader; **Jeff Mills**, proofreader; **Anna Helfrich**, HRSI intern, designer; **Katya Sumina**, HRSI project manager, designer.

Editorial

The editorial team is very proud to introduce the 2015 issue of *The Activist*. Since 2002 *The Activist* has been a unique platform for CEU students to grapple with pressing human rights issues, as well as to gain some experience in publishing and editing.

This year's edition contains a diverse collection of pieces dealing with all manner of human rights-related issues, from the environmental, legal, political, policy, gender, and sociological fields. We have a mix of unconventional narratives as well as hard-hitting formal essays. As editors we were committed to including a range of perspective and voices.

Gracing our cover we have one a member of DRAB, a feminist drag king collective founded in Budapest in 2014 by a group of CEU Gender Studies students. In their article about DRAB, Giana Margo and Freyja Jónudóttir Barkardóttir explore transgressing the boundaries of feminine and masculine.

Atanas Stoyanov addresses the reader and the European Commission in a personal voice, confronting discourses about "poor Roma". Hannah Arendt and John Stewart Mill are put to good use by Max Steuer as he asks, "What is political speech?" Alona Kiriak brings in the highly relevant topic of social media and warns us to be mindful

when using Facebook. In a riveting piece John McLean contrasts the ethical reasoning behind the stances of the NSA and Edward Snowden regarding the release of the Snowden Files.

Several articles deal with issues relating to Russia. Evgenia Kholmanskikh looks into the social adaptation of orphans in Russia. Jacqueline Dufalla shows how Russian LGBT NGOs, contrary to popular opinion, can continue to have successful programs, mostly by building local support and focusing on domestic issues. Olena Guz analyzes whether the Russian Federation may lawfully rely on the doctrine of protection of Russian nationals abroad in case of military occupation of Crimea.

Nataliya Novakova strongly condemns European Union's inability to insist on respect for human rights in its immediate neighborhood in Azerbaijan where at least two CEU alumni -- Rashadat Akundov and Ilgar Mammadov -- are serving terms as political prisoners. Georgiana Turculet draws our attention to the plight of Syrian refugees crossing the border into Turkey. We have Tess Pocock and Shirlene Afsher Vogl who are covering contemporary slavery which is both pervasive and easily ignored. The problem of fracking in Pennsylvania is tackled by Amanda Winter, as



Top photo: Anna Robinson
Bottom photo: Nuruddin Ahmed

is the community resistance that has built around it.

We would like to thank the incredibly hardworking and flexible associate editors, proofreaders, and authors, as well as Katya and Anna from HRSI in their support in putting together this publication.

At CEU, we hope that students learn how to bring about positive change locally and globally. Our hope is that this issue of *The Activist* will be inspirational and eye-opening, and be a catalyst for action.

*Anna S.G. Robinson, MA student,
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Editors-in-Chief

The EU is Calling Me Poor!

Atanas Stoyanov sheds light on the consequences of ethnic generalizations found in the NRIS 2012-2020 language.



Have you ever been called poor? And how did you feel about that? I can guess what it feels like because I am being called poor every day. Seriously! And not only by people, but also by institutions and their documents, such as the European Union and its Framework for National Roma Integration Strategies 2012-2020 (NRIS). It states that Roma are marginalized, poor and socially excluded.

As a Roma, when I first read the Framework, I wanted to roar with anger so loud that you would

“Many of the estimated 10-12 million Roma in Europe face prejudice, intolerance, discrimination, and social exclusion in their daily lives. They are marginalized and live in very poor socio-economic conditions.”

EU Framework for National Roma Integration Strategies, 2012-2020:

hear me in space. I am not saying I am rich, but I am not poor either. Those in my Roma community, myself included, live a decent life. We are happy with our housing, work and education. None of us is a victim of marginalization, stigmatization or any other negative category ending in ‘-tion’ used to classify us. Some Roma are richer than some non-Roma and some non-Roma are less educated than some Roma.

One cannot simply generalize the state of an ethnic minority as poor and marginalized. The Strategy tricks readers into thinking how ‘bad’ the situation of the ‘poor’ Roma is, and may cause some to unwittingly believe this is true of all Roma. Folks, I don’t really want to be pitied for being born Roma. Even if one assumes that Roma are poor as the objective truth, do you really think the Roma need to hear this again and again? How does calling me poor, marginalized and socially excluded in an official document of the European Union help me?!

I have worked for five years in some of the biggest non-governmental organizations in Bulgaria dealing with many issues related to the Roma such as community development, intercultural education and political empowerment. I have even run for, and won, local

elections. My personal experiences have helped me overcome the constant noise of the media and the opinions of the majority of people around me. Of those who, without ever asking my point of view, are always eager to integrate, include or educate me, presupposing that I am something less or not enough. I was raised hearing many negative labels put on Roma, repeated so many times that I started believing someone else’s opinion of who actually I am.

Many Roma started believing in the definitions they heard given to them hundreds of times, to the point that they internalized these labels; a lethargy in which the status quo cannot be changed. A single side story teaching you firstly how bad you are, then repeating to you how miserable you are and lastly claiming that this is a way to be helped.

This time the EU itself “cemented” the negative labels and stereotypes into a policy that forgets that who we really are is not our problem, but our self-esteem and pride. The last is being boldly suppressed since it is something that Roma probably do not need.

The Roma dignity was killed in the 1940s during the Holocaust and it still lies fallen there, on the fields of the death camps,

riffled with the bullets of cultural ignorance.

I realize the NRIS was created as a sign of good will and intention of the European Commission to integrate Roma and try to improve their livelihood. But I don't really feel the need to be integrated or socially included – not that I am an antisocial creature – by anyone. I simply feel the need for my language, culture and history to be recognized and accepted as equal.

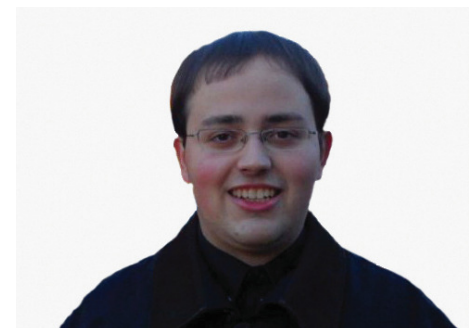
If the European Commission were a real person, let us call him Juncker for example, and if I was asked about what I think should be changed (not that I am being asked), I would sug-

gest the following: "Juncker, the four main pillars of the NRIS: access to education, employment, healthcare, housing and social services should be changed. As we often say there is no such thing as Roma criminality, there should not be such things as Roma housing, healthcare and employment either. These are universal categories that have nothing to do with any ethnicity. If you are really willing to help, you should work more on the recognition of the Roma culture, history and language. You should ensure that Roma children from different EU countries have the opportunity to study Romanes at school in

parallel to the national language. It is also not okay when a member of the European Parliament, or the president of any member state, speaks in a discriminative way about the Roma with no consequences to follow. I just want to tell you that currently the EU community is not respecting its' own antidiscrimination legislation. I may be asking you to change your whole attitude and approach. But we need to remember 'those who do not remember the past are condemned to repeat it.' I hope you understand this, Juncker, and I hope you will stop calling me marginal in your efforts to help me!"

What is Political Speech?

With the help of Mill's and Arendt's thought, **Max Steuer** proposes a new definition of political speech based on the public/private distinction.



Freedom of political speech lies at the heart of democratic regimes and fundamental human rights. However, when it comes to a genuine distinction between 'political' and 'other' kinds of speech, the boundaries are blurred and the definition of 'the political' becomes important. If political speech were to entail all communication about political matters, then political speech would include family talk during dinner, where the newest scandal of this or that political leader is discussed. While this speech is about politics, it is taking place in the private sphere. This is the fundamental distinction, important for policymakers and civil society alike, when they determine what counts as political speech.

The perspectives of two renowned thinkers, John Stuart Mill and Hannah Arendt support the importance of such a distinction, which has implications for determining what speech is considered to be 'political' and deserving of special protection by democratic political institutions. Moreover, the distinction is crucial for any

project that would try to shape the boundaries of an emerging 'global free speech regime'.

Defining Speech

Speech is generally understood as any form of expression, spoken or written, of a person's views, ideas or positions. Without the possibility to speak, no human communication can exist, and without communication, 'political animals', as Aristotle defined humans, would lose any chance of being 'political'.

Encompassing all types of communication in the definition of speech, however, would not allow for any distinction between a journalist writing a critical piece on the executive branch of her country and a couple's discussion over who will do the housework that day. Nonetheless, it is difficult to determine the precise substance of the difference between various kinds of speech.

It is generally the task of judicial bodies, taking into account international human rights conventions, to determine what speech belongs to the category of 'political speech' which deserves special protection (Barendt, 2005). One should not forget, however, that legal analyses alone are not sufficient to do justice to the differentiation. Philosophical perspectives need to be incorporated because legal application of freedom of speech cannot be separated from philosophical conceptions (Barendt 2013).

To bring in the theoretical perspective into the general discussion, Mill's and Arendt's answer to the confusion of determining political speech are provided. With their help, it is possible to synthesize the definition of speech on the basis of the public/private distinction, as all human expressions of the nature and organization of joint conduct in the public sphere. In order to be applicable, this definition needs to be backed by an authority which determines the division between private and public.

Mill's Answer

John Stuart Mill is author of a distinct approach to freedom of speech, the grounds of which he laid down in the essay *On Liberty* (1859). For Mill, 'the only purpose for which power can be rightfully exercised over any number of a civilized community, against his will, is to prevent harm to others' (Mill, 2009: 18). This is a famous argument for the 'harm principle', which states that regardless of the nature of speech, only that which is harmful to another individual can be limited. Although he considers freedom of speech an individual right (see Chart 1), he explains the harmfulness of its restriction from the perspective of the community, where debate among individuals takes place: 'the peculiar evil of silencing the expression of an opinion is, that it is robbing the human race; posterity as well as the existing generation [...]' (2009: 29).

Mill's argument seems to find its limits in expressions that do not intend to share an individual's views, ideas or positions in the public sphere – how could limiting this speech 'rob the human race'? In this light, it makes sense to try to distinguish among different kinds of speech, as well as to identify political speech as expression with the general intention of entering the public sphere.

However, Mill's arguments do not satisfy this requirement. Thus it is helpful to look towards another political thinker: Hannah Arendt.

Arendt's Answer

Hannah Arendt devoted a large part of her political thinking to the meaning of politics, and totalitarianism (Vollrath and Fantel, 1977).

Both are strongly related to the possibility (or absence) of speech. Speech is a precondition for freedom: 'Wherever the man-made world does not become the scene for action and speech [...] freedom has no worldly reality' (Arendt, 2006: 60). Moreover, speech is a form of action which creates the possibility for freedom for an individual, if she 'steps out into the polis and takes action there' (Arendt, 2009: 170). The polis, in simplified terms, is an equivalent to the public sphere; this is why the public/private divide is central for Arendt, more than for Mill.

The role of (political) speech for the existence of politics on an above-individual level, however, does not mean that the individual does not matter. The presence of the individual in the

Mill's argument seems to find its limits in expressions that do not intend to share an individual's views, ideas or positions in the public sphere – how could limiting this speech 'rob the human race'?

Chart 1. Mill's concept of searching for truth on the marketplace of ideas by individuals who realize themselves via their freedom of speech the limits of which can be found in the restriction of harming other individuals.

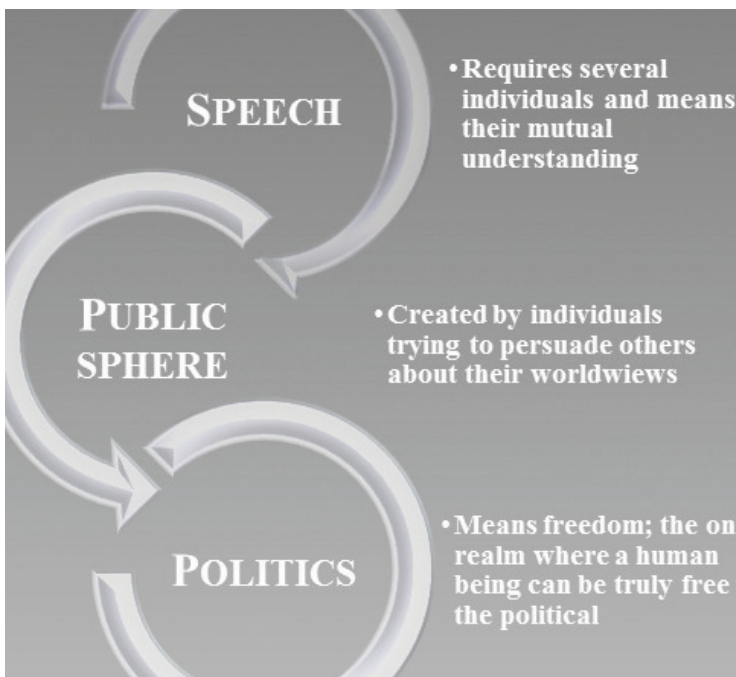


Chart 2. Arendt's understanding of politics emerging in the public sphere created and maintained by speech as a specific form of action involving interactions between individuals (humans).

public sphere is the necessary condition for politics (see Chart 2), together with the other factors.

In sum, Arendt's views 'upgrade' those of Mill by offering a new perspective on the importance of (political) speech in society, without contradicting his arguments.

However, there is a common responsibility stemming from 'speaking' in the public sphere. As Arendt writes in *The Human Condition*, 'the term "public" [means] that everything that appears in public can be seen and heard by everybody and has the widest possible publicity' (1958: 45). If we apply this definition to political speech, it can be said that these expressions are made with the intention of sharing one's views with others.

Following Arendt, it is more suitable to use the term 'public speech' as speech before politics; speech that constitutes politics by creating the framework for participation and interaction of individuals. If the expression is made just to harm somebody, to entertain, or to trigger a conflict, it is not public speech.

'Public' Instead of 'Political' Speech

We have seen that 'political' speech, which is deserving of special protection, is public speech through which we 'speak' with other individuals about the nature and organization of our joint conducts. But even then, the problem of the blurred distinction between the private and the public does not disappear.

For Arendt (1958: 48), the 'public sphere', apart from its 'visibility to everybody', has another dimension: it belongs to everybody and everybody should have equal opportunity to enter it. What seems to be necessary, then, is an actor who protects the public sphere but not only within state borders but internationally.

Three options are available to ground such an actor. First, a

'world sovereign' who would authoritatively determine the border between public and private, but this produces the unsolvable dilemma of who such a sovereign should be.

Second, recourse to our 'common sense' as humanity, but this is difficult to implement in practice.

Third, a number of independent, regional authorities recognized jointly by states and firm-

ly settled in the international system. International courts, accompanied by an enforcement mechanism of their judgments may provide the best option available to protect the public sphere, and at the same time the right of individuals to interact with others in the public sphere through their use of speech.

FOOTNOTES

1 See also Comella (2006) for the perspective of the European Convention of Human Rights and Bhagwat (2012) for the principles of the US Constitution and case law of US Supreme Court). In addition to political speech, other categories of speech can be distinguished in legal scholarship, such as 'hate speech' (Herz and Molnar, 2012), commercial speech (Baker, 1976).

2 When Eric Ringmar distinguishes between the 'republican' and liberal 'promises' of freedom of speech, he considers the former to be concerned with 'the well-being of the republic', and attributes to the latter the claim view that 'the well-being of the community could only be assured if individuals' rights were properly protected' (Ringmar, 2007: 5-7). The origin of the latter tradition he attributes precisely to John Stuart Mill.

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Second life in social networks

Alona Kiriak argues that your rights can be protected with the help of Facebook in courts while your rights *in* Facebook still can be protected only privately.



Nowadays Facebook has 1.39 billion active users (Facebook newsroom, 2015). These people have chosen to enjoy the freedom of expressing themselves and communication without borders. This freedom should be treated with the awareness of the impact on our everyday life. There are numerous researches as to impact of social networks on our health, social inclusion, progress in studies etc. However, this article focuses on two specific

issues without attempts to assess the overall effect of the social networks.

Firstly, freedom means responsibility. By creating your personal profile on Facebook, you create a mirror image of your-

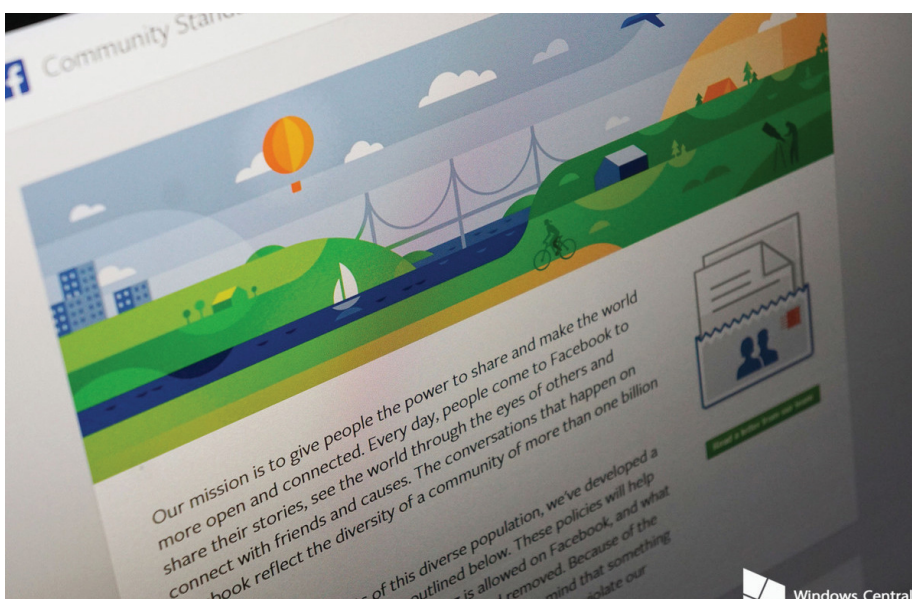
self and your activity on Facebook, which is easily attributed to you. The presumption that all activity on your page is yours, stems from the commitment undertaken during registering on Facebook: “[...] not [to] provide any false personal information on Facebook, or create an account for anyone other than yourself without permission” and “[...] not [to] share your password (or in the case of developers, your secret key), let anyone else access your account or do anything else that might jeopardize the security of your account” (Facebook, 2015). This leads to the admissibility of evidence gathered from your Facebook page in the courts of law. This approach is accepted in the US (United States of America v. Meregildo et al, 2010) and Canada (Norton Rose Fulbright, August 2011). The same approach was recently recognized by courts in Ukraine. Thus, the calls for violent change of the constitutional order led to suspended sentence delivered by the criminal court (Uzhgorod District Court, 2014). All actions, which constituted crime, in this case were conducted not in real life but on Facebook. The message is simple but still worth repeating: beware your own posts on Facebook.

Secondly, the freedom on the Internet is an illusory freedom in reality. Internet is a privately regulated environment, which lacks centralized regulation. Instead of a legal regulation originating from states, we have to accept the private regulations of the companies. States have certain obligations under treaties, e.g. the freedom of expression regardless of frontiers is envisaged in International Covenant on Civil and Political Rights (Article 19) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (Article 10).

The freedom of expression was developed and tested by years of practical implementation and court cases. Unlike states, which adhere to recognize best practices, Facebook merely “developed a

set of Community Standards” (Facebook, 2015). These Community Standards define what type of content may be reported and removed. Such private regulation is not burdened with formalities; however, it is considered as a positive trend. Simultaneously, there is a necessity to understand the nature of the newly emerged relations, to take the advantages of it.

Facebook has a separate department, which is responsible for reviewing the reported content and blocking it, if it is justified by the above-mentioned Community Standards. It is the task of the company’s employees to decide on the particular pieces of information. Their decision may be sometimes biased, and the only way available to resolve possible disputes is private negotiation. Thus, several pages of pro-Ukrainian activists and groups were blocked in 2014. The reaction from the society followed in the form of open letter distributed on Face-



This is how Facebook Community Standards start: "Our mission is to give people the power to share and make the world more open and connected" Source: Windows Central

The message is simple but still worth repeating: beware your own posts on Facebook

book and shared over 900 times during 24 hours (Global Voices, 2014-08-29). The letter calls for resignation of administrator in charge of the Ukrainian segment of Facebook who is Russian national and may have conflicting political interests. The people requested that Facebook appoint someone from a neutral country. The private character of this negotiations means that Facebook's reaction to this letter is unknown to us. The interference in your freedom of expression on Facebook

can also take form of hacker attack. For example, the dissemination of information from particular group can be restricted by the program code (Gorovyj, 2014:43). By engaging this code any individual may constrain the seemingly free flow of information. This problem is dealt with by technical support specialists. In situation, where time is of the essence the affected party cannot influence the speed of curing the problem because it is regulated by the internal rules of company unknown for the general public. It is easy to speak out your thoughts via social networks, and many people will hear your voice. On the other hand, it is also true that your voice can be easily deafened, and this process is not subject to legal regulation, there is only internal policy of the companies.

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Social Adaptation of Orphans in Russia

Evgenia Kholmanskikh discusses the importance of reformation of Russian orphanhood policies with focus on their social adaptation



As a common Russian saying goes, "there are no disabled people in Russia" (since we don't see them much on the streets, and even the biggest, central cities like Moscow and St. Petersburg are not adapted

to their needs). Likewise, there are "no orphans" in Russia. The reality is that at the moment there are about 100,000 children in Russian orphanages (Yakovleva, 2014). There are approximately as many inhabitants in the Italian city of Pisa (Europe, Italy, Toscana, 2013), and the population of the microstate of Andorra is close to this number as well (The World Factbook. Europe: Andorra, 2014). It should seem that for a country as big as Russia, 100,000 children is not a crucial number. The orphanages are funded by the state,



Capture from the summer camp-2014, organized by Vverh organization for children with developmental disorders. Source: vverh.su

or by private sponsors. (Chernova, 2013) However, state funding is not always sufficient, nor do the private sponsors always lend a hand.

The problem of orphanhood is compounded by the absence of a program of socialization for such a large number of parentless children. Orphanages exist in a so-called bubble: only teachers, tutors, and fellow orphans exist within this bubble, with no connection to outsiders except for rare visitors and volunteers. When they get out of the orphanage at the age of 18, they cannot find their place in society and often feel rejected by the wider community, which treats them with suspicion and perceives them as "strangers" (Nastenkova, 2013). After a couple of failed attempts, most stop trying to integrate themselves into the society they live in and become criminals, alcoholics, or drug addicts (Brinceva, 2011).

So what does the state do to solve such a pressing problem? Each person who leaves the or-

phanage at the age of 18 is entitled to an apartment so that they are not homeless after leaving the orphanage. Nevertheless, since these children are used to living within a closed community, they don't have an idea that one might need to work to sustain their lives. Nor have they been taught how to live independently, so they often resort to certain tricks to preserve their status quo. For example, many of them try to live in groups in one flat while renting out flats other group members received from the state. "Instead of working, they live off money that comes from the rent", said Olga Tikhomirova, the head of the Center for Equal Opportunities Vverh for social adaptation for "graduates" of orphanages in Moscow, when interviewed on 14 March 2015.

"This way of living often reveals certain other problems", commented Alexandra Marova, the director of The Charitable Foundation of Social Orphanhood Prevention, while inter-

viewed on 13 March 2015.

"These children simply have not developed basic existential skills for a life in modern society, ranging from paying communal bills to an ability to build strong social connections with the outside world".

One would expect the government to ensure a certain level of security for these vulnerable members of society. In Russia the main problem of state regulations for childhood protection and orphanhood policies is that the system built during the Soviet era is not effective anymore. During the Soviet times, the state provided individuals with everything needed: free housing, free higher education, free healthcare and job placement. With a current strong trend of population aging in Russia (Analiz demograficheskoi situacii: tendencii i posledstviya, 2006), such issues as orphanhood and socialization of orphans should be seen as a top priority.

Improving the demographic situation and socialization of or-



Volunteers in the orphanage, Derevjany, Russia. Source: novhit.ru

These children simply have not developed basic existential skills for life in a contemporary society, ranging from paying communal bills to an ability to build strong social connections with the outside world

phans into society would of course require substantial funding, starting with research initiatives and ending with program implementation and development. This initiative, however, is very complex given that Russia faces numerous other problems simultaneously: the issues of pension readjustment (NEWS.RU, 2015) and shortage of pain-killers for patients suffering from cancer (Gordeeva, 2015) are not being solved due to a lack of funding.

Experts, including Olga Tikhomirova from Vverh, believe that there is no point in counting on the government, especially given the current geo-political and economic situation. Olga, along with her colleagues from the center, point out that the initiative should come from below and not from the top. Generally, Vverh is a good example of civil activism. Currently, the center is only working with 100 of the 100,000 graduates from all orphanages on a permanent basis. On the other hand, providing opportunities for 100 is a great result for a civil initiative.

One peculiar thing that comes out after talking with experts in the field is that sometimes even the most contradictory regulatory acts might have positive outcomes. For example, Alexandra Marova, who has significant experience in dealing with this problem, says that there are numerous positive consequences from the so-called Dima Yakovlev law, which restricts the adoption of children from Russian orphanages by citizens of the USA (Stowe-Thurston, 2013). Even though it is hard to form a certain opinion on it, Alexandra says that besides the general awareness raising and public opinion change due to this law, there are certain legal initiatives that took place. For example, the bureaucratic procedure of adopting is getting more transparent and efficient.

It is obvious that the problem of orphanhood is far from being solved. Also it is clear that there is a strong need for a federal program of socialization for orphans, both during their presence in



Canteen in a special education boarding school-orphanage, Cherevkovo, Russia. Source: paramaster.ru

the orphanage and after graduation. Olga Tikhomirova's solution to the problem of socialization was that "children should be raised in families." Yearly, there are about 6,000 newborns left by their mothers in maternity hospitals (Marova, 2014). According to Alexandra Marova, with the help of the Foundation of Social Orphanhood Prevention, it is possible to decrease this number by 50%. To do so, the federal system would provide social work

services for mothers who intend to abandon their newborns. Through consultation, the social worker would be better able to identify what reason the mother has for leaving her child, and can help to provide some solutions to the mother's problems so that the mother can keep her baby. Such a service, according to Marova, would have a huge positive impact on the large numbers of abandoned newborns.

Even if we think that the initiative should come from below, a few activists are not enough to be able to drastically change the situation in a country as huge and socially divided as Russia. Thus, it is crucial to inform public opinion of the importance of the orphanhood issue, as well as to increase awareness of the existence of the problem and the ways that each individual could contribute to a solution. The development of a program of social adaptation of orphans could make a huge difference not only for the issue of orphanhood but also for society as a whole, as there is now a strong trend towards "family values" in Russia. Perhaps now people will finally realize that Russia is not a country free of vulnerable people, and in fact there are plenty of homeless, disabled, terminally sick, and people in need. This might be a huge step towards a more tolerant society with a strong civic awareness.

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In Baku the Bell Tolls for Human Rights in Europe

Nataliya Novakova discusses the connection between human rights violations in Azerbaijan and CEU



Shown above, Rashadat Akhundov, leader of NIDA civic movement, imprisoned in 2014, CEU alumnus. Source: ESI



Shown above, Ilgar Eldar oglu Mammadov, Azerbaijani politician imprisoned in 2013, CEU alumnus. Source: RFERL



Female Azerbaijani citizens protesting against the crackdown on civil rights. Source: Kavkazskij uzel (Aziz Karimov)

From the cozy campus of the Central European University, which stands on the picturesque banks of the Danube in the heart of Europe, Azerbaijan seems to be too far away - almost in the middle of nowhere. And yet there is a link between the modern, safe and democratic CEU campus and Sheki Penitentiary Institution and Baku Investigative Prison in Azerbaijan. This link is the fate of two CEU alumni – 30 year-old Rashadat Akhundov and 44 year-old Ilgar Mammadov. Ilgar graduated at the CEU in Political Economy in 1998, and Rashadat obtained a Master of Business Administration in 2007.

Azerbaijan has never been a particularly democratic state. After the dissolution of the USSR, the state emerged as a republic with a strong president. From 1993 to 2003, this was Heydar Aliyev, a former head of the KGB branch in Azerbaijan and leader of Soviet Azerbaijan from 1969 to 1982. After his death in 2003 his son, Ilham Aliyev took over the ruling party and was elected president. The first election of the president's son was accompanied by repression of the opposition. During Ilham's campaigns for next term in 2008 and 2013 it became even clearer that he had no intention to play by democratic rules – dozens of journalists, activists, election observers and other human rights defenders were declared criminals. Some were charged with tax evasion, some were portrayed as terrorists or extremists, some were caught with drugs, and some were arrested due to participation in so-called “mass disorder”. There is always a law that a dissident or a human rights defender can “violate” if he or she becomes too vocal in an authoritarian state.

This is all very sad, you might think, but isn't it a rather typical situation for most oil and gas rich countries? Many of them are authoritarian and many of them do not respect human rights. Unfortunately, this is true. But the case of Azerbaijan is special as the country has been a member of the Council of Europe (CoE), Europe's human rights body, since 2001. It is also one of the six countries participating in the EU Eastern Partnership and was until recently in the process of preparing an Association Agreement with the EU. If political cooperation with the EU has been of a more declarative nature, by joining the CoE Azerbaijan ratified a list of binding treaties, most importantly the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). It undertook obligations to ensure respect for human rights and the rule of law, and to develop democratic institutions. The Council of Europe has several mechanisms to monitor and enforce the princi-

ples envisaged by the 1949 founding Statute and the subsequent conventions. For example, the Parliamentary Assembly of the Council of Europe (PACE) can make a decision on the necessity to monitor elections in a member country (but even though elections are not free in many member countries including Azerbaijan, nothing happens). Joining the CoE also extends the jurisdiction of the European Court of Human Rights, which enforces the ECHR.

Let us get back to the stories of our fellow alumni, which in my opinion illustrates Azerbaijan's failing as a member of the Council of Europe. Ilgar became a political activist promoting democracy in Azerbaijan. He was the Director of the Baku School of Political Studies of the

Council of Europe and became one of the chairmen of the opposition Republican Alternative (REAL) movement. Ilgar was not afraid to criticize the government in his blog and in interviews. As an observer and activist he often visited sites of public protests. In February 2013, after one of these visits, he was arrested. On 17 March 2014, the Sheki Court of Grave Crimes sentenced Ilgar to seven years in jail. Soon Amnesty International recognized him as a prisoner of conscience. The European Court of Human Rights received an appeal concerning Ilgar's arrest and pre-trial detention. The judgment was delivered on 22 May 2014 and stated that his detention was ungrounded. The court concluded that Ilgar was imprisoned for his political views (ESI, 2014).

Despite the fact that all the members of the Council of Europe are obliged to enforce decisions of the European Court on Human Rights, nothing has changed for Ilgar – he remains in prison. Moreover, he is not the only one. There are 98 political prisoners in Azerbaijan, according to a list compiled by a working group led by two activists in summer 2014 (ESI, 2014).

From May to November 2014, Azerbaijan held the chairmanship of the Council of Europe, apparently not at all ashamed of the situation back home. How can it be that the Council of Europe, created as the European institution that has to establish and promote standards of democracy and respect of human rights, has become so blind and complacent? There



Azerbaijani citizens protest. Source: Reuters



are several explanations. With regard to the political motives, the line of argument goes like this: “We need a friend in a difficult region. Azerbaijan is sandwiched between Russia and Iran. We need to talk to them and convince them gently that this includes respect for human rights” (ESI, 2013).

The second consideration is much more pragmatic. Azerbaijan is an energy supplier to the EU. Currently it is primarily providing oil to Southern European countries, such as Spain, or Italy, but Azerbaijan plays a role in many European projects of southern corridors of gas supplies (US EIA, 2015). Azerbaijan is also active in providing smaller countries with loans for infrastructure development – Baku petrodollars help to build roads in Serbia and Albania (S. Abbasov, 2012).

The lack of a European response to the existence of political prisoners in Azerbaijan is worrying. The spillover effects

of the political considerations are paralyzing the Council of Europe and all EU institutions. The EU Special Representative for Human Rights recently made a visit to Baku, meeting officials and three political prisoners including İlgar (IFEX, 2015). But he made no public statements condemning the human rights violations in Azerbaijan (APA, 2015). When the prominent investigative journalist Khadija Ismayilova was arrested in Baku in December 2014, the EU issued only a lukewarm standard statement of concern (EU External Action, 2014).

What does it all mean for us? The inability of Europe to insist on respect for human rights in its immediate neighborhood signals the weakness of the EU to be at the front of democracy promotion and to be a regional leader. But more importantly, it shows that European politicians are not being pressured by citizens to put values of human rights and democracy on the top of the agenda. It is not hard to predict that such trends can challenge human rights standards inside of the Union. Azerbaijan, even if it seems to be far from us, should be a wake-up call for the civil society in all European countries to demand from their politicians to put values of human rights much higher up on their agenda before it is too late. They should also insist on the immediate release of all political prisoners, including our alumni İlgar Mammadov and Rashadat Akundov.

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My Flawed Footprint

Contemporary slavery is both pervasive and easily ignored. **Shirlene Afshar Vogl** tests her Slavery Footprint of one typical day, followed by an analysis by **Tess Pocock** of those factors instrumental to the chain in order to understand what it would take to dismantle this phenomenon which has mushroomed at the hands of globalization.



Top photo: Tess Pocock

Bottom photo: Shirlene Afshar Vogl

Contrary to what Beyoncé would have you believe, most of us do not wake up looking ‘flawless’. Personally, I can comfortably admit that I am one of those individuals who has a routine to revive and mask the sleep deprivation of my graduate student self. I would like to take a moment to share my morning routine with you, and later we will see the significant role that this plays for perpetuating contemporary slavery. My weekdays typically start with the alarm going off

Throughout the survey, I grew uncomfortable with my ignorance of the supply chain of my everyday purchases. The survey revealed that a total of 48 slaves worked for me indirectly

from my iPhone at 7 a.m. I begin the day by scrolling through the news and checking emails. Once I feel it’s safe to roll out of bed, I’ll make a cup of organic tea, courtesy of the English Tea Shop. Then to make sure I am fully out of the zombie-like state, I’ll take a refreshing shower with my favorite products from the Body Shop. Then comes the most dreadful part of the morning: picking out an outfit. Possibly some can relate with me, knowing the feeling of the everyday perils of choosing what to wear when the weather is this dubious as it so often is in Budapest. Apparel in my closet consists of anything from second-hand finds to H&M deals to Hungarian high-end fashion splurges by Nanushka. Once I have my dressed-to-kill-look all set, it’s time to cover up those dark circles and tired eyes with Revlon make-up, brush those pearly whites and cleanse my mouth with that minty-fresh Listerine. By now, it is time to jam for class, giving me just a bit of time to grab breakfast at Costa Coffee before lectures. After

boring you with my morning routine, you are probably wondering now what the significance of this is. What if I told you that these normal activities required the work of 20 slaves? That’s right, unbeknownst to me, it took about 20 slaves to help me get ready for part one of my day.

Sadly very little is made in a free world today. This appalling fact was made clear to me after taking the Slavery Footprint survey, powered by the Made in a Free World movement (Slaveryfootprint.org, 2015). I would have never imagined that, living in what I think is an openly democratic and progressive society in the 21st century. The thought that I could be potentially supporting some form of contemporary slavery seemed incredibly distant. I honestly believed that I make a sincere effort to purchase local, organic, and environmentally friendly products from companies that boast as such. While taking the Slavery Footprint survey, the questions really caused me to hesitate with every single item I used on a daily basis. Was I in-

directly a part of some horrific reality without even knowing it? Question after question, I was confronted with the answer that yes, I actually was. When asked about my daily meals, clothes, accessories, items in my medicine cabinet and around the household, I had to think about the true origins of each and every single item. Throughout the survey, I grew uncomfortable with my ignorance of the supply chain of my everyday purchases. The survey revealed that a total of 48 slaves worked for me indirectly. This realization, although shocking, was a good eye-opener, but now leaves me with many questions. How can a person truly afford to live without relying on modern day slavery? Do the companies that make and sell the products we

buy everyday actually know the impact they are having on the lives of people globally? If so, should they be held accountable?

I started to dig for answers to these questions. Slavery has been illegal in every country in the world for over three decades (Davis, 2013). Despite this fact, research suggests there are around 30 million people enslaved internationally. This number is greater now than at any other point in human history (Kara, 2009). From forced grueling labor in the orange groves of the United States to children coerced into weaving factories of Northern India, slavery takes many forms and affects men and women of all ages. Whether psychologically or physically shackled, the common denominator for slaves is the inability to escape (Kara, 2009). Unpaid labor reflects a major component of the global capitalist model. As Siddharth Kara (2009:4) puts it, "The structures of Western capitalism, as spread through the process of economic globalization, contribute greatly to the destruction of lives this profitability entails." I learned that no country is excluded from participation in these atrocities (Kara, 2009:4). In fact, when I switched my country of study, Hungary, to my country of permanent residence, the United States, my footprint nearly doubled. Why is the slavery market more robust than ever, growing each day? For starters, free labor increases profits exponentially. When you don't have to pay someone to work, profit margins skyrocket. Companies that do this get away with it because the supply chains can often be hard to capture, leading businesses to buy slave labor products

50 Denim / Pants / Skirts

50 Tops

Drag here

50 Dresses / Suits / Jackets

50 Lingerie

50 Accessories

50 Shoes

50 Leather Shoes

School's out for cotton.

1.4 million children have been forced to work in Uzbek cotton fields. There are fewer children in the entire New York City public school system.

f t 119K

Source: http://slaveryfootprint.org/survey/#closet_clothing

From forced grueling labor in the orange groves of the United States to children coerced into weaving factories of Northern India, slavery takes many forms and affects men and women of all ages.

either without knowing it or deliberately turning a blind eye. I wonder, if consumers required supply chain transparency, would it then be likely that we would find industries opting out of the use of exploitative labor?

End Slavery Now, a branch of the National Underground Railroad Freedom Center, provides a comprehensive list of simple changes individuals can make in their day-to-day lives. The first is to become educated on the issues at stake and various forms of contemporary slavery (Endslaverynow.org, 2015). According to this, grasping your impact is crucial to being an agent of change. Though social media advocacy can be an exceptional tool for engaging your network, 'clicktivism' will not cut it. While we cannot rely on governments and corporations to incite change, writing to elected officials and to the multi-national companies that profit from the use of exploitative labor and letting them know that we want this topic on the top of their agendas is a good start. This is a way to develop conversations that desperately need to be taking place in every community.

It has become obvious to me that changing consumer habits is inescapable and timing is dire. We must begin by decreasing—if not halting—consumption of products linked to exploitative labor. This occurs when we identify and discontinue consumption of slavery tainted products and intentionally consume only those items fairly traded, locally sourced, reused, or recycled or when we choose to boycott and not buy (Endslaverynow.org, 2015). Individual action by way of conscientious ethical consuming is one step in the right direction (Barry and MacDonald, 2015). It comes from immense privilege that I am culpable of contributing by way of consumption, which makes me much more liable for identifying and engaging with the solution. I am still aghast by my slavery footprint, but ignorance is not bliss. The footprint is a constant reminder that we live in a world fueled by shackles.

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Protection of Russian nationals abroad: case of Crimea

Olena Guz analyzes whether the Russian Federation may lawfully rely on the doctrine of protection of Russian nationals abroad



Russian compatriots living abroad after breakup of the Soviet Union became a tool for Kremlin to manipulate with international norms and international order. Seizure of Crimea is a great example of this, where the Russian government invoked such concepts as the right to self-determination, the responsibility to protect (R2P) and the doctrine of protection of nationals abroad by its kin-state.

Ukraine is a multinational country, though Ukrainians make up significant majority of the total population. Diversity of population was one of the traits of Crimea also. The peninsula was inhabited by Ukrainians, Russians, Crimean Tatars and many other nationalities, while a lot of people from the peninsula simply considered themselves as Crimean emphasizing their identity rather than by a nationality or ethnicity. According to a public opinion survey held on May 2013 residents of Crimea, regardless of their passports, considered themselves as the following: 40% - Russian, 24% - Crimean, 15% - Ukrainian, 15% - Crimean

Tatar, and 6% - other (International Republican Institute et al 2013, p. 8). The second important question in the survey was "In your opinion, what should the status of Cri-

mea be?" 53% supported the status of Crimea within Ukraine as it was by that day, 23% - Crimea should be separated and given to Russia, 12% - Crimean Tatar autonomy within Ukraine, and 2% - common region of Ukraine (International Republican Institute et al 2013, p. 17).

One of the arguments raised by the Kremlin in seizing the peninsula is the doctrine of protection of nationals abroad by its kin-state, in this case, protection of Russian nationals in Crimea. This article will analyze the application of this doctrine.

According to public international law, the home state bears the primary responsibility for securing human rights within its territory. The kin-state also plays an important role in ensuring human rights of its citizens abroad but its actions are subordinate and shall be in conformity with international law. The Framework Convention for the Protection of National Minorities stipulates that 'nothing in the Convention shall be interpreted as implying any right to engage in any activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States' (Article 21) (Council of Europe 1995). Thus, any activity performed by the

kin-state in ensuring human rights of its citizens abroad shall not undermine the principles of international law.

The kin-state may protect its nationals through means of diplomatic protection if the country

The kin-state may protect its nationals through means of the diplomatic protection if the country of residence failed to undertake necessary measures. Russia has not been undertaken any peaceful or diplomatic means to protect its nationals in Crimea in case of existence of alleged threat, as the Russian government pointed.

of residence fails to undertake necessary measures. Russia has not undertaken any peaceful or diplomatic means to protect its nationals in Crimea in the case of the existence of alleged threat, as the Russian government pointed out. Grounds put forward by Putin are merely of political character - such as the threat to Russian-speaking population in Crimea or 'fascist' government in Kyiv. None of the evidences have been fixed or disclosed. In particular, Russia has not submitted any complaint to the ECHR or monitoring bodies regarding the violations of rights of Russian nationals by the Ukrainian government. The majority of international leaders, as well as organizations, condemn the illegal annexation of Crimea by Kremlin. For example, in one of its first resolutions regarding the situation in Ukraine, the PACE states that there was no ultra-right wing takeover of the central government in Kyiv, nor was there any imminent threat to the right of the ethnic Russian minority in the country, including Crimea (Parliamentary Assembly 2014).

Military intervention to the peninsula was reasoned as a tool to protect Russians in Crimea according to the official posture of Kremlin. First of all, such official statements of the Russian government beg that the question be asked of whether Russia as a kin-state may rely on the use of force and doctrine of protection of Russians abroad in the case of Crimea. Many scholars explored the issue of the protection of nationals abroad and a significant majority did not recognize the use of force as a tool for the pro-

tection of nationals (Walter 2014, p. 307). The UN Charter set forth a prohibition of the use of force in Article 2(4). The only exception is the use of force in the case of self-defense, as enshrined in Article 51 of the UN Charter. The Draft Articles on Diplomatic Protection Article 2 incorporates that:

'the threat or use of force is prohibited as a means of diplomatic protection, except in the case of rescue of nationals where:

- (a) the State has failed to secure the safety of its nationals by peaceful means;
- (b) the injuring State is unwilling or unable to secure the safety of the nationals of the protecting State;



Partial map of Eastern Europe. Source: <http://www.pbs.org/newshour/updates/background-briefing-ukraine-crisis/>

The kin-state plays also an important role in ensuring human rights of its citizens abroad, but its actions are subordinate and shall be in conformity with international law.

(c) the nationals of the protecting State are exposed to immediate danger to their persons;

(d) the use of force is proportionate in the circumstances of the situation;

(e) the use of force is terminated, and the protecting State withdraws its forces, as soon as the nationals are rescued.'

It should be noted that criteria in Article 2 are cumulative. Commentary to this Article clarifies the use of force shall be limited to the instances of emergencies, where nationals are exposed to the immediate danger and the home-state is unable to protect (Dugard 2000, p. 220). Walter refers to the protection of nationals abroad in international practice as to 'non-combatant evacuation operations' exercised in the Cen-

tral African Republic, Rwanda, the Congo etc. However, those operations have not been designed to establish military control over territories, but to evacuate nationals and guarantee their safe return to the kin-state. These evacuation operations are exceptions in international law. The Russian military intervention cannot be called an evacuation operation of Russians because of the establishment of a military presence and control over the peninsula, or merely based on the lack of fact for the safe return of Russians to Russia.

Finally, the doctrine of protection of nationals abroad refers to the concept of nationality, while the Kremlin adheres to very generous position regarding compatriots. Thus, the Russian Federation considers as

compatriots all people who are able to speak in Russian, who share a common history and affiliate themselves with Russia. The concept of protection of nationals abroad does not apply to ethnic affiliation (Walter 2014, p. 308). For instance, in Crimea there was a significant number of ethnic Russians which held Ukrainian passports. After the occupation of Crimea, Russia started to issue Russian passports to the residents of the peninsula. Thus, all residents of Crimea who held Ukrainian citizenship had to declare their wish to maintain Ukrainian citizenship within a one-month period, if not they would become Russian citizens by default. Besides, those who wanted to remain Ukrainian citizens would have to undergo complicated procedures. In detail, to declare a will to hold Ukrainian passport was not enough, so local authorities required additional documents. Otherwise, they were left no choice but to accept the Russian citizenship (Human Rights Watch 2014, p. 28). To sum up, the doctrine of protection of nationals abroad does not apply to the case of Crimea and the use of force in form of the military intervention does not constitute a part of the protection of nationals. Furthermore, the doctrine of protection of nationals has been distorted by Kremlin and in reality, it does not fulfill the criteria set forth by international practice and law.



Crimean landscape. Photocredit: Sergey Shulga

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“Keep Pennsylvania Beautiful”. Resisting Marcellus Shale Connections

Amanda Winter explores community resistance to a gas pipeline in Pennsylvania.



Small battles are taking place across North America against the oil and gas industry, notably on and around the Marcellus Shale fields, as citizens resist projects to frack and build oil pipelines that cause social and ecological damage at every stage. The environmental movement has shown its numbers recently at the NYC Climate Rally (September 2014) with 400,000 citizens protesting in the streets, including an effort to shut down Wall Street, connecting the environmental crisis to the economic crisis. However these celebratory moments are few and far between. What happens at the everyday level paints a different picture: communities gather to devise tactics and alternative world visions in an effort to (1) save their lands from indus-

try projects, (2) reclaim their democratic citizenship through active participation in the energy regulation process, and (3) use their relative privilege to highlight injustices – the injustices against those most affected by climate change. This local process takes years, from the moment that industry survey work and applications are drawn, community groups emerge. They informally educate each other about everything from environmental issues to legal rights such as civil disobedience and the government's

The local resistance becomes a battle of connections – Lancastrians who are culturally connected to the land, their agricultural history and way of life, versus the Atlantic Sunrise Pipeline, a political and economic global connection to the Marcellus Shale, manifest in energy infrastructure.

use of eminent domain. The media often features the highlights, when industry and citizens clash. As a participant in this political struggle, I realized that the majority of the activists' time is spent behind the scenes: reading news and academic articles about similar cases, knocking on every door of the neighborhood, reviewing maps and pipeline proposals, updating social media, writing and responding to countless emails.

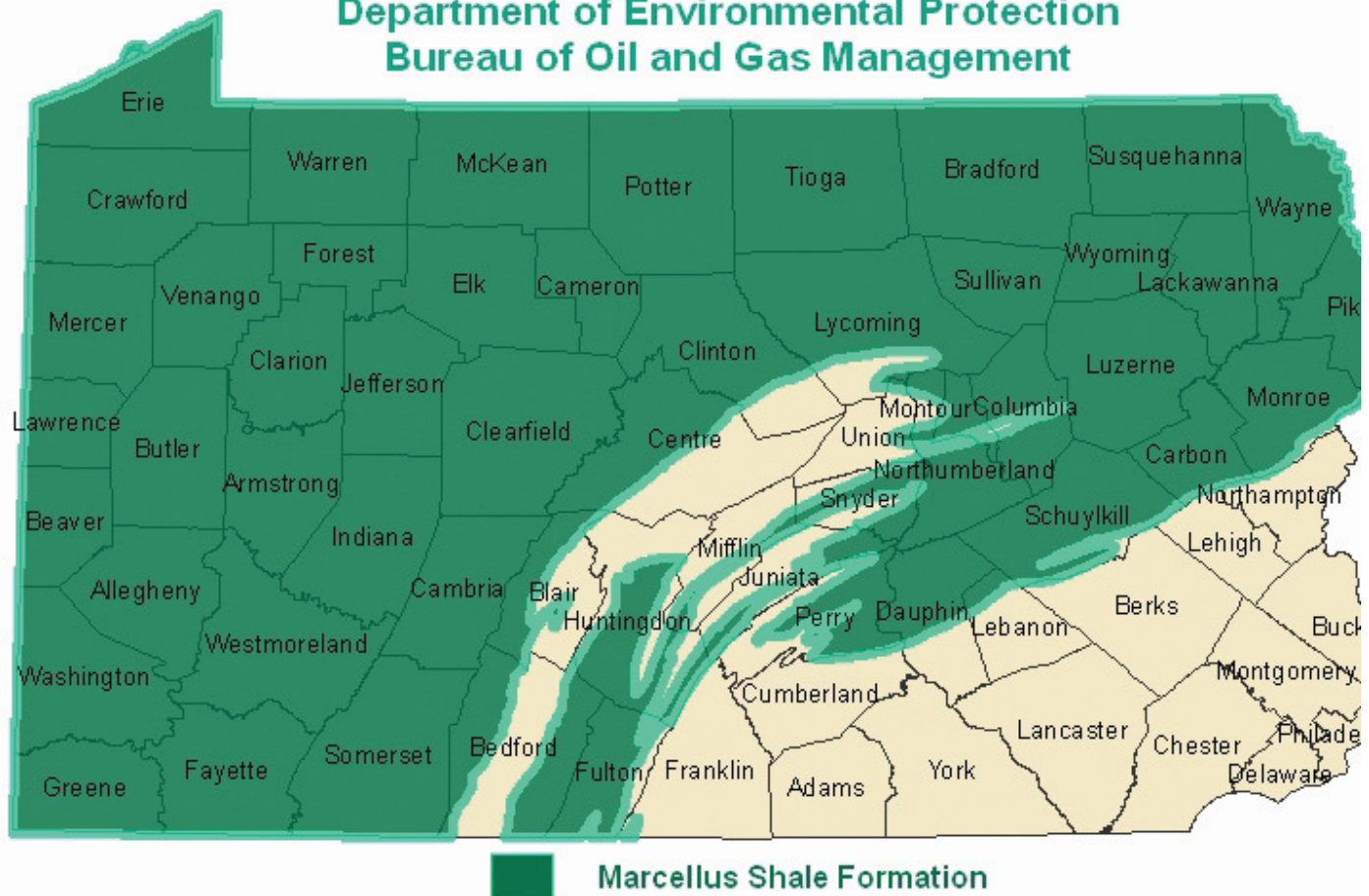
This resistance addresses many debates: how to transition to renewable energy systems, workers and land rights, and what 'national energy security' even means in an increasingly globalized world. In south central Pennsylvania, another gas pipeline proposal has sparked local citizens in my home coun-

ties of Lebanon and Lancaster to develop an organized resistance effort. Petitions, coalition groups, fundraisers, protests, and even non-violent direct action quickly developed in the past year, when citizens were volunteering their time to a gamble in which the stakes are uneven and certainly not in their favor. They targeted different governance levels: national (Federal Energy Regulatory Commission – who has never disapproved a corporate proposal); state (by following the 2014 gubernatorial election) and local (municipalities); while churning out op-eds for local newspapers and questioning the corporate funding agreements with nearby universities that conduct 'expert research'. Their work advances through small battles, from

the grassroots, starting at the local farm and looking outward.

Lancaster, the 'heart of Pennsylvania Dutch Country', remains a tourist site for those seeking to escape the city, to have a glimpse of what life was like 'back in the old days' of self-sufficiency. The area has also been referred to as our 'Machu Picchu' given the number of Native American artifacts and burial grounds (Khan 8-2-2015, Public Source). Along with these, the pipeline would damage Amish and traditional Lancasterian bucolic farms with rolling hills. Further, the destruction of deep forests and waterways that connect to the Susquehanna watershed are treated as negligible costs by the Oklahoma-based Williams Company. With this historical connection to the land, it should be no

Commonwealth of Pennsylvania Department of Environmental Protection Bureau of Oil and Gas Management



surprise that out of the ten counties this pipeline would cut through, the strongest resistance has emerged here (Khan 8-2-2015, Public Source).

A diversity of activists can be seen. Not all are ‘hippie environmentalists’: some have concern for their family farm, some are fishermen, some are worried about the local endangered species, and some have heard too many stories about leaks and explosions along pipeline routes. Activists remain the minority, however. Most people I have talked to fall into one of these four categories: 1) are against the pipeline but feel they cannot do anything about it; 2) believe the industry-led myths that this will create jobs and energy independence; 3) feel that because it does not go through their property they will

not be affected; 4) or suppose that Pennsylvania has had pipelines for decades and for that reason we should not worry or question the fracking boom. And what have we got so far from the fracking boom? A gag order on doctors which restricts discussion and research on fracking-related health problems, 209 polluted water sources, and forest and farmland degradation, resulting in ecological and economic loss for local citizens. Former governor Tom Corbett (Republican, 2011-2015) ran on a pro-gas drilling platform, leading Pennsylvania to be the only US state which does not tax gas companies. Although taxes are a meager point in the big picture, as Dan Simpson (30-7-2014, Pittsburgh Post-Gazette) writes “what they are doing to the environ-

The negative health and environmental fracking effects have already been documented in Gasland by Pennsylvania native Josh Fox.

ment and our future cannot be compensated for by taxes”.

While not directly on top of the now infamous Marcellus Shale Fields, this area is nevertheless impacted by the political ecology of liquid natural gas. The process of extracting and transporting this gas through pipelines physically extends the Marcellus Shale – the pipeline enables the commodification of this gas, and is portrayed by the Williams Company (2015) as a “connector to markets”. The local resistance becomes a battle of connections – Lancastrians who are culturally connected to the land, their agricultural history and way of life, versus the Atlantic Sunrise Pipeline, a political and economic global connection to the Marcellus Shale, manifest in energy infrastructure.

Growing up, I remember passing “Keep Pennsylvania Beautiful” signs along the highway: a positive phrase to deter drivers from littering. However, discussions about the effects of our past and present energy sys-



Lancaster, PA. Source: bigbluevan730.blogspot.hu

tems are severely lacking. We could learn from our disastrous energy production history like the 1979 nuclear meltdown at Three Mile Island or the deaths, pollution and fires from coal mining. Perhaps if there were some sort of conversation about the alternatives for Pennsylvania, the connection to the Marcellus Shale could be seen as exploitative and problematic. Instead many cling to the propaganda of an 'energy independent' future supported by the bounty of the Marcellus Shale.

As demonstrated, these small battles across North America are complex political struggles, dependent on the historical and geographic background of the specific region. The resistance has a global echo, as fossil fuel infrastructures are locally contested, giving way for cultural connections, solidarity and the creation of alternative energy solutions around the world. This activism is continuous and evolving, but is presently confined to a minority who envision an environmentally just system. Lancastrians cannot con-

test their ecological connection to the Marcellus Shale; rather their intent is to oppose their political and economic connection to it via the proposed Atlantic Sunrise pipeline in a bid to "Keep Pennsylvania Beautiful".

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The Unwanted "Guests": The refugees crossing the Syrian-Turkish Border

Georgiana Turculet brings light to the current Syrian refugee status and the Turkish response.

The Turkish driver tells me: "I saw a colorful cloud of dust down the valley advancing towards the Syrian border. I stopped the car and I kept on looking in that direction. As the cloud was advancing closer and closer, I realized that they were the refugees of the political crisis in Syria. I started crying". He was accompanying me in November 2014 on my fieldtrip to visit the camps hosting the refugees who survived Assad's regime and ISIS. There were prevalently exhausted women and crying children, old and ill grandfathers, walking with a stick. My driver could not speak for a few minutes. After a pause: "My minivan only fits fifteen people but that day it fit forty-five individuals all at once and I drove them to Batman (a city in Southern Turkey close to the Syrian border). After several trips, I carried together with a few more folks from the municipality about five hundred people in one day. "This was the only way I could go home and sleep at night." According to officials at Batman municipality, private individuals,



families, donors, and a few small organizations provided much of the help to refugees in the Kurdish areas in Southern Turkey. IOM, UNHCR and the Turkish government were not providing support in Batman at the time when I was investigating.

People kept arriving in big flows in the last three to four years, and Turkey's borders are still open to them. The recent Syrian refugee crisis opened a debate on the issue of migration law regarding the status and



South of Turkey, a refugee camp near Batman. November, 2014. Photocredit: Georgiana Turculet.

the rights of refugees and asylum seekers. According to UNHCR estimates, since the conflict in Syria began, Turkey, after only Lebanon, accommodated within its jurisdictional boundaries the most conspicuous number of refugees (around two million), but none of them are recognized legally as refugees. Turkey is one of the signatory states of the 1951 Geneva Convention but it still applies "geographical limitations," which means that only those fleeing as a consequence of "events occurring in Europe" can be given refugee status.

Nowadays in Turkey there are as many as twenty refugee camps hosting Syrian refugees since 2011. Yet at present, the large majority of refugees live in the urban space, in big cities

like Istanbul, Ankara and Izmir. They move toward where they have relatives, or where they can find jobs, hoping to ensure their families a life that feels more 'normal' than life in the camps. When in 2012 Kofi Annan, the United Nations ceasefire envoy, resigned from his position, the number of the refugees were thousands; whereas today, due to the protracted political crisis and the rise of the fundamentalist group ISIS in Syria and Iraq, the number has reached millions in the region, mostly Lebanon, Jordan and Turkey. Not only has the protracted conflict displaced millions internally and in neighboring countries but it is also wiping out all hopes for a foreseeable return of Syrians to their own homes. Too many towns were destroyed,

Syrians, equally to other vulnerable ethnic and national groups, are refugees; none are 'guests', and they are not to be diverged on separate legal procedures based on where they are from.



South of Turkey, a refugee camp near Batman. November, 2014. Photocredit: Georgiana Turculet.

bombed, or occupied. The social fiber of the country and its political institutions will most likely be severely undermined too by the end of the conflict.

Turkey started realizing that Syrians are not 'guests' anymore, as they were called at the beginning, and that their accommodation must be conceived as more than temporary. However, the government of Turkey does not have sufficient resources to provide refugees with basic services, such as basic sanitation, shelter, clean water, etc. Current expenses reach five billion, out of which only 5% the international community contributed (Icduygu, forthcoming). Despite all efforts, Turkey is arriving towards the end of its management and financial capacities. This leads to growing racism, xenophobia and political mobilization of Turkish citizens against the refugees. Simultaneously citizens blame government for taking care of 'others,' rather than of its own poor. Furthermore, Syrians are visible in streets, begging with their children in big squares. Syrians often agree to work irregularly (legally they are not allowed to work). Consequently, minimal wages in Turkish labor market decrease, which leads to growing discontent of the native population. An underpaid Syrian trying to feed his children in Turkey is a victim, twice. He became a victim when he fled for his survival, and secondly, when he is underpaid by some greedy employers, he is also perceived and often assaulted by citizens whose wages are depressed. The Turkish Labor Ministry is currently evaluating which sectors of the economy could accommo-

date workers, and is issuing work permits to at least some Syrians in the near future. Allowing Syrians to legally work seems a thoughtful step toward placing refugees in conditions of fair access to minimal working conditions and rights, fostering the possibility of gaining a respectful life.

Turkey has invested financially more than most countries into offering 'temporary protection' to Syrians, but why did Turkey take most of the 'burden'? Turkey is a signatory of the 1951 Convention, like most states are. But Turkey, unlike most states, has never lifted the 'geographic limitations' and therefore Turkey is dealing with Syrians in a 'special way.' It is not clear whether this policy is motivated by humanitarian



South of Turkey, a refugee camp near Batman. November, 2014. Photocredit: Georgiana Turculet.

concern, or political motivations (perhaps related to Assad's regime).

The human cloud approaching the border of Turkey consists of 'legitimate' refugees but none of them is provided the legal recognition of 'refugee' as Turkey is reluctant to sign respective treaties (regarding geographical limitations).

As of now, most Western democracies do not seem to be sharing the burden, though they are obliged to do so as signatory countries of the 1951 Convention and the 1967 legal rectifications abandoning geographical limitations. They should fulfill their duties and provide financial support to Turkey, a country bordering with the conflict and under the form of welcoming refugees to its territory.

The international community has provided extremely limited support to the humanitarian crises Syrians are suffering in Turkey (5%). Another problem is that Turkey treats the humanitarian crisis as a 'domestic' issue. Syrians, equally to other vulnerable ethnic and national groups, are refugees; none are 'guests' and there is no reason to apply separate legal procedures to them. Once we get that straight, only then can Turkey provide this type of assistance, motivated primarily by the moral concern towards the vulnerable and not contingent upon its international or domestic affairs.

Turkey has recently become one of the active providers of international technical assistance. Thus, as the donor country it can allocate more funding towards provisions of the Syrian refugee needs [2], whereas historically the USA and the EU detained the primacy in donations to alleviate human suffering. In circumstances in which wealthy Western countries provided more support and assistance, perhaps Turkey would have also aligned more to a migration regime concerned with human rights protection, primarily.

ACKNOWLEDGEMENTS

"The research leading to these results has received funding from the European Union's Seventh Framework Programme (FP7/2007-2013) under grant agreement n° 316796"

FOOTNOTES

1. All photos accompanying the article are taken in the South of Turkey, in a camp near Batman. Some call the camp "The new City". Most refugees seen in camps are children, women and old man, rarely young men. Photographer: Georgiana Turculet. Date: November, 2014.
2. UN Commissioner for Refugees (UNHCR), recent report: <http://www.unhcr.org/55016fff6.html>, and Juliette Tolay's commentary in <http://www.transatlanticacademy.org/node/784>

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Snowden v. United States

A Kantian v. utilitarian/ consequentialist perspective

John McLean contrasts the ethical reasoning behind the stances of the NSA and Edward Snowden regarding the release of the Snowden Files.



In 2013, extensive details of widespread covert surveillance operations being carried out by the National Security Agency of the United States were surreptitiously leaked to the world's media by NSA contractor Edward Snowden. A global debate was sparked around the moral justifications of operating such surveillance and keeping the existence of such programs a secret.

A Kantian perspective

"The unconstrained disclosure of those [mass surveillance] capabilities mean targets move away from our ability to have insight into what they're doing. Then we are at greater risk because we don't see the threats coming."

- Richard Ledgett, NSA Deputy Director, TED Talk, March 2014

"Who I am really doesn't matter at all... What really matters is the kind of government we want, the kind of internet we want, and the kind of relationship between people and societies [we want]."

- Edward Snowden, TED Talk, March 2014

Snowden's quote above captures the essence of his ethical reasoning, which is based on

universal standards that superseded his obligations as a government employee. The NSA claim that Snowden, in leaking the secret information, failed to maintain certain ethical standards which they can justifiably have expected him to adhere to as their employee and as a citizen of the United States. There is a distinct non-emphasis of immediate 'ends' in Snowden's discourse and, instead, he emphasizes the kinds of institutions, processes and social interactions that are in place. Kant, in his *Groundwork of the Metaphysics of Morals* (1785), makes a distinction between the end result of an action and the motivations of its author, contesting that the true value of an action must come from its author's intention and the value of this intention can be judged in terms of its universal applicability. In this respect, Snowden sees the independence and universal trustworthiness of the internet as a categorical imperative, a universally applicable goal among other, related categorical imperatives regarding government institutions and society as a whole.

The action needed to achieve a categorical imperative is known as a maxim. In this case, making

large-scale data collection public knowledge is a maxim needed to achieve a trusted and independent internet. In order for it to be legitimate, the maxim must be shown, through reason or demonstration, to be good without qualification, even if replicated universally. On this basis, the NSA presents the counter-argument that leaking information about the NSA's programs to the press is not universally good, pointing specifically to the need for NSA programs to remain secret in order to maintain efficacy. This casts doubt on the appropriateness of Snowden's action and reasoning. Kant maintains that the only action which can be trusted to be wholly moral is to follow what one perceives as their duty (Aune, 1979). This can be inherently contradictory. For example, choosing between the duty to safeguard American security interests and feeling duty-bound to ensure the trustworthiness of the internet. The deciding factor is the answer to the following question: would a given course of action be desirable if everyone were to behave in this manner under the same circumstances?

An individual agent must choose to adhere or not to a rule which they feel compelled to break for moral reasons based on their own evaluation of the authority which has formulated the rule (Johnson, 1988)

A utilitarian/consequentialist perspective

There is a general understanding among the American public that certain rights, which are often spoken of as universal and vital, in fact come with qualifications. One example is the right to free speech. Very few Americans would argue that freedom of speech should be permitted to the extreme of hate speech, slander and incitement to violence. The primary purpose of such rights is to protect from negative effects, rather than to promote positive effects, and as such these rights can be circumvented under a consequentialist approach to ward off even greater negative effects (Scanlon, 1988). From this perspective, the NSA made a judgment call (with the aid of the US judicial process) over the trade-off between the right to privacy and the right to be protected by the state.

But where does this leave a consequentialist individual? An individual agent must choose whether to adhere or not to a rule, which they feel compelled to break for moral reasons based on their own evaluation of the authority which has formulated the rule (Johnson, 1988). As Snowden states, "Trusting anybody, any government authority with the entirety of human communication without oversight is simply too great a temptation to be ignored" (TED Talk, 2014).

Conclusion

The NSA takes a more consequentialist perspective than Snowden, who is more deontological. This was never better displayed than in the closing remarks of Ledgett at his TED Talk, in which he states that there will always be an avenue to amnesty or some sort of deal between Snowden and the US, provided the US has something

to gain from it. In contrast, Snowden asserted his commitment to continue working in the public interest regardless of the personal consequences. Both display a connection to an end goal, which can roughly be summarized as 'the interests of the American public', but Ledgett references immediate security gains that can be made in this specific case, whereas Snowden makes reference to the loftier, long-term ideal, the public interest as a categorical imperative.

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The Rainbow Flag at Half-mast: The Limitations and Successes of Russian LGBT NGOs

Jacqueline Dufalla shows how Russian LGBT NGOs, contrary to popular opinion, can continue to have successful programs, mostly by building local support and focusing on domestic issues.



Russia reentering the global stage with the Sochi Olympics brought to light the situation of the LGBT community in Russia to the Western world. While, on the one hand, this provided the LGBT community with outside support, it did not paint the complete picture of the situation in Russia. Rather, if we look at Russian LGBT non-governmental organizations (NGOs) and their projects, we can see that some are still successful. Often, failures come from Russian NGOs attempting to employ outside methods and build off of international rather than domestic support.

Before looking at the practices of Russian LGBT NGOs, it is worth understanding both the LGBT community and the civil society in Russia. In July 2012, Russia instated a “Foreign Agent Law” requiring all NGOs to register as a “foreign agent (инностранный агент)” if they received foreign funding and “if they intend to conduct political activities” (NGO, 2013). Due to the vagueness of the conditions, the Russian government

has been able to be selective in the NGOs according to its targets. For the most part, only a few NGOs have been forced to close down due to heavy fines, and they typically engage in political activity that strongly challenges the government’s legitimacy. Yet the phrasing of the 2012 law harmed Russian civil society more as a “foreign agent” in the USSR was a traitor to the country. Despite this inhospitable environment, some NGOs have managed to find success.

The LGBT movement in the USSR noticeably began in the 1980s and developed further under Boris Yeltsin. At first, domestic LGBT activists successfully campaigned for the decriminalization of homosexuality under Russian law. They backed Yeltsin and garnered some support from him (Russian Gay History). The LGBT movement has suffered in recent years, however. In 2007, 19 percent of Russian respondents believed that homosexuality should be punishable by law, but by 2013, the figure rose to 42 percent (Sewell, 2013-14-08). Although there are multiple reasons for this increase, such as government rhetoric and the close relationship between the government and Orthodox Church, the shift coincided with a more assertive LGBT community. In 2005, the NGO Gay Russia was founded. In 2006, the movement began to push for legal, annual gay pride parades, but still now there are only illegal parades (Senzee, 2014-06-30). Such parades, which are legal cornerstones of the LGBT movements in the US and Europe, can turn conservative Russians against the LGBT community (Duvernet, 2013-07-17). Indeed, Russian NGOs have admitted that “some of their present difficulties are caused by their attempts to adapt to the Western models” (ed. European Commission, 1998: 46). Also in 2006, Gay Russia helped to found the Russian LGBT Network (lgbtnet.ru), a larger NGO. According to the network’s website, the organization relies heavily on foreign funding, and its aim is to hold Russia accountable to international norms. While it is not uncommon for NGOs to reach out for international support, in the case of the LGBT movement, using imported methods and a foreign approach



Lena Klimova, Russian LGBTIQ activist, founder of Deti-404 (Children 404). Source: bok-o-bok.ru

seems to have done little to garner the support of the public or government. It is important for a budding civil society to connect with local actors and attitudes in order to be effective.

Despite the setbacks, some LGBT NGOs have been able to continue and avoid their shutdowns. Firstly, it must be said that it is still a hostile atmosphere in Russia for the LGBT movement, and here the success is defined as maintaining everyday operations, projects, and communicating with the greater global civil society. There may still be negative feedback and occasional physical altercations. While the numbers of NGOs are not as boisterous as those in the United States or Europe, the fact of the matter is the majority of these organizations have evaded both the “foreign agent” label and a less than favorable Russian public.

Most of the successful organizations have merged the message of LGBT rights with the concerns and opinions of the public. For instance, the LGBT NGO “ЛГБТ- Служение “Nuntiare et Recreare” (LGBT-Ministry “Proclaim and Strengthen”) (nuntiare.org), despite occasional confrontations with the Orthodox Church, overall continues to operate. It attempts to demonstrate how religions actually support the LGBT community, and there are pages on its website specifically about attitudes toward sexual orientation in Islam, Christianity, and Judaism. In addition, it has an annual forum where participants can discuss these issues. Despite a threat at the last forum and the hostility from the Orthodox Church, the organization has been growing, operating with international partners, and continues to work in Russia without garnering much attention from authorities. Combining religion and LGBT acceptance is a common theme in successful LGBT NGOs, which is both an interesting approach and responsive to local concerns. After the collapse of the USSR, Russia experienced a rapid resurgence of the Orthodox faith, and by attempting to communicate to the Russian public through religion, the LGBT movement may find some success.

While it is not uncommon for NGOs to reach out for international support, in the case of the LGBT movement, using imported methods and a foreign approach seems to have done little to garner the support of the public or government.

Some of the most successful LGBT NGOs deal with LGBT members living with HIV. While admittedly it is unfortunate to propagate the idea that only homosexual men contract HIV, these organizations do focus on issues facing the wider LGBT community as well as help those with HIV. One highly successful NGO is called "LaSky" (lasky.ru) offers information about safe sex for couples of all sexual orientations. It also makes an effort to work with the government and NGOs and has several regional offices across Russia. HIV is a growing public health problem in Russia, and by grouping it with LGBT rights, several NGOs have interestingly found success. It is most likely due to the growing concerns of the population with this problem as well as the government's inability to combat it. In this niche, civil society has been able to play an active role.

Another very successful LGBT NGO is "Дети-404 (Children-404)" (deti-404.com), which is founded in response to the 2013 homosexual propaganda law that argues children should not see homosexuality in media or other sources. Children-404 started the same year when its founder started receiving letters from LGBT children and adolescents and publishing them online. Most letters were



"Children-404, you aren't an error!" Drawing by one of the contributors to the Facebook group of Deti-404 organization. Source: facebook.com/children.404

about the support they wanted and suicidal thoughts. Soon it became a fulltime project, gaining notoriety and staying open. In fact, Vitaly Milonov, member of the Legislative Assembly of St. Petersburg, attempted to have the organization shutdown using the propaganda law, but the case was dismissed by the court (Our history, 2014). The organization has gone on to make both a documentary film and book about LGBT adolescents in Russia. Children-404 relies directly on support from the local community, specifically personal letters from LGBT children and adolescents. While recently the founder was fined, the organization continues (Elena Klimova, 2015-01-23). The personal connection may cause Russian citizens to reflect on their own attitudes toward the LGBT community.

In short, despite an inhospitable environment for both NGOs and the LGBT community, some Russian LGBT NGOs continue to maintain their projects and work with the international community. Like all budding civil societies, what is vital to their success is their ability to connect with the local population either through solving pressing problems or by framing LGBT concerns through a familiar framework.

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In his shoes: A memoir of masculinity

Giavana Margo and **Freyja Jónudóttir**

Barkardóttir, DRAB, transgress the boundaries of feminine and masculine; taking gender subversion to the streets of Budapest as a personally empowering and political action.

Top Photo: Giavana Margo /Alter ego KenDICK Lamar
Bottom Photo: Freyja Jónudóttir Barkardóttir/Alter ego Jaques La-cum



We are **DRAB**. We are girls and we dress like boys. We do it because it's fun, we laugh together when we get dressed up, but there is also a serious element to it. Dressing as boys takes us out of our comfort zone and it enables us to transgress traditional gender roles. These are our experiences, and the experiences of our brothers.

"Drag is not the putting on of a gender that belongs properly to

some other group, i.e. an act of expropriation or appropriation that assumes that gender is the rightful property of sex, that "masculine" belongs to "male" and "feminine" belongs to "female". There is no "proper" gender, a gender proper to one sex rather than another, which is in some sense that sex's cultural property." (Judith Butler 2004: 127).

As a woman, there are certain things that I can do and certain things I cannot do. When I put on drab clothes and drab make-up, the range of possibilities changes. I don't know if liberating is the right word, but the experience of wearing a man's attire makes me feel like I can behave differently than when I'm in my "normal" clothes.

Some of my friends like that I dress in DRAB, some don't. The



Hey Gurrri. Jacques La-Cum, KenDICK Lamar, Trevor Whatever, and Asschaps Cumberbratch. Photo by Katarzyna Nalewajko

same applies to members of my family. The first time my mother saw a picture of my me in drab, she didn't recognize me.

/DRABer

DRAB, dressing as boys, is not meant as an attack of what is masculine. Rather, it is about transgression.

"When asked, "What's a Drag King?" I reply: "Anyone (regardless of gender) who consciously makes a performance out of masculinity." (Volcano and Halberstam 1999: 16).

"Drag, like all clothing, is an everyday technique to engage, cite and disrupt gender traditions, always with the possibility of calling into question what is being conveyed through the technologies of dress-up". (Volcano and Dahl 2008: 48).



Trevor Whatever in a tunnel. Photo by Katarzyna Nalewajko

To me, DRAB is more than transgressing (gender performance). When I first discovered feminism, I found it to be very liberating. I find feminism to be critical in its essence. It is about questioning all the things that we take for granted in our everyday practices. Accepting the political message that feminism offers made me think of all the things that I do to perpetuate the structures of patriarchy. It made me question how I construct my own identity, through thoughts, ideas and behavior.



Bathroom break. Jacques La-Cum, Doug Eaglecrotch, KenDICK Lamar, Trevor Whatever, (front) Peter Jacksoff. Photo by Lucy Hackworth



Hanging with the boys. Jacques La-Cum, Trevor Whatever, Asschaps Cumberbratch, and KenDICK Lamar. Photo by Katarzyna Nalewajko

I don't know if liberating is the right word, but the experience of wearing a man's attire makes me feel like I can behave differently than when I'm in my "normal" clothes.

It's about challenging the norm, it's about doing something that's uncomfortable.

It's empowering.

It's not just how you look, it's also about how you behave. Through doing DRAB, I am saying that women can behave this way too.

/DRABer

"If I were a boy even just for a day/ I'd roll out of bed in the morning/ And throw on what I wanted and go/ Drink beer with the guys/ And chase after girls/ I'd kick it with who I wanted/ And I'd never get confronted for it/ 'Cause they stick up for me" (Beyoncé)

DRAB challenges the gender binary. We do not reject our femininity for masculinity. We discover our own masculinity.

We reclaim our own masculinity.

"The feeling of comfort and relief I experienced when being perceived as male came as quite a shock to me because I was raised to believe in the power and glory of womanhood. There are some who accuse me of betraying "womanity" by inhabiting what looks and sounds like a male body. BOLLOCKS to that I say! I'm a Gender Terrorist, a walking, talking bomb in The Boys Club. Tick Tock. Tick Tock". (Volcano and Halberstam 1999: 21).

When I was born, they told me I was a girl. I had particular body parts, particular hormones and particular genes. This is what this body means. This is what it means to be a girl they said. I



Ultimate masculinity. Trevor Whatever, Asschaps Cumberbratch, and Jacques La-Cum. Photo by Katarzyna Nalewajko

didn't question it. I didn't feel troubled by it. I wore dresses, I had tea parties, I liked boys, I was good at social sciences. But sometimes I wanted to be a boy. Sometimes I felt like a boy. I was big and strong and hairy. I wasn't supposed to be that way. I dieted, I shaved, then shaved some more. I tried not to be so loud, so opinionated, so strong. But I was. I was feminine, but I was also masculine. Judith Butler (2004: 127) wrote, "genders are appropriated, theatricality, worn and done; it implies that all gendering is a kind of impersonation and approximation (...) gender is a kind of imitation for which there is no original" (Butler, 127). I am a woman, I identify as a woman. But, I can no longer be sure whether the things I do and feel are part of me, or part of the

performance I have learned to naturalize as part of my sex, as part of my identity. But if it is a performance, a series of repetitive behaviors that constitute the illusion of an original, then it can be unlearned; it can be subverted.

I can subvert myself. And I do. I subvert myself through DRAB. Friday morning I wake up, I take a shower, I shave my legs, I pluck my eyebrows and mustache (yes, mustache), I put on make-up and



Can I buy you a drink? Photo by Aušrinė Skirmantė



Photo by Katarzyna Nalewajko

eyeliner. Today I perform the feminine. I do my gender. I go on a date, I bring a man home to my bed. On this day I am a woman. Saturday morning I wake up, I take a shower, and I paint on my beard. Today I perform the masculine. I do the gender they told me was never my own, but which I know is as much a part of me as is my femininity. I walk through the city, taking up space, talking as loudly as I please, and having beers with the boys. On this day I am a man.

/DRABer

*If I were a boy even just for a day
I'd roll out of bed in the morning
And throw on what I wanted and go
Drink beer with the guys
And chase after girls
I'd kick it with who I wanted
And I'd never get confronted for it
'Cause they stick up for me*

ENDNOTES

All photos are provided by the DRAB collective.

FOOTNOTES

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MAY 2015

