

the activist



Human Rights
Initiative

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Contents

- 2 / The Judges May Fall**
CĂTĂLIN BUZOIANU | MA SOCIOLOGY AND SOCIAL ANTHROPOLOGY
- 4 / Resilient Spirits**
ROLAND SCHMIDT | PhD CANDIDATE, POLITICAL SCIENCE
- 7 / The Forgotten People**
RADU NICULESCU | MA POLITICAL SCIENCE
- 10 / The Fracking Puzzle**
ARIEL DREHOBL | MESPOM
- 13 / Eclipsing the Rainbow**
CRISTIANO LUCAS SILVA GONCALVES | LL.M. COMPARATIVE CONSTITUTIONAL LAW
- 16 / Environmentalism in the Balkans**
MACIEJ DYBALA | MA POLITICAL SCIENCE
- 18 / Uncovering the Complexities of Sex Work**
VICTORIA APOSTOL | MA HUMAN RIGHTS, OSJIF
- 21 / Life in the Neo-liberal Ghetto**
LIVIU DINU | ROMA GRADUATE PREPARATION PROGRAM
- 24 / Intersecting Identities: Female labor migration to Russia**
DZHOYS KUAOVI | MA GENDER STUDIES
- 27 / Invisible Women: Double discrimination of Roma women**
MIHAI-ALEXANDRU ILIOAIA | MA SOCIOLOGY AND SOCIAL ANTHROPOLOGY, PROJECT COORDINATOR AT ROMEDIA FOUNDATION
- 28 / Invisible Behind Bars: The need for US prison reform**
ISABEL PATKOWSKI | MA PHILOSOPHY
- 31 / 'We Will Rise'**
RUTH MOSSER | ERASMUS EXCHANGE, GENDER STUDIES

ABOUT HRSI

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

EDITORS-IN-CHIEF Vishnupriya Bhandaram • Alexander Cooper **ASSOCIATE EDITORS** Marina Van Riel • Tihana Bertek • Judith Langowski • Petya Krastanova • Ruth Pinto • Rebecca Smith • Isabel Patkowski • Ekaterina Sumina • Ariel Drehoobl **PROOFREADERS** Philippe-Edner Marius • Ruth Pinto • Marina Van Riel • Petya Krastanova • Rebecca Smith **DESIGN** Vishnupriya Bhandaram • Katarina Kušić **HRSI PROJECT MANAGER** Katarina Kušić

Editorial

The editorial team is proud to introduce the 2014 issue of *The Activist*. Over the years, *The Activist* has become more than just a platform for CEU students to publish their academic work and gain experience in editing and publishing: it is a medium through which students showcase their expertise, interests, and passions, combining their academic work with their own commitments to positive social change and activism in myriad areas.

This year, we wanted to further our efforts in bridging the gap between academia and activism by including stories that use the authors' individual experiences and friendships to bring attention to global issues. We have Roland Schmidt introducing the injustices of the global war on terror through a story about an exceptional copy shop owner in Sarajevo, Maciej Dybala's photographs emphasize the beauty of an area that is usually associated with war atrocities and ostensible "backwardness," Radu Niculescu shines a light on a forgotten conflict and brings out a new perspective through his friendship with a Sudanese refugee, instead of; Ruth Mosser focuses on migrants' struggles through an interview with someone deeply involved in the refugee protests in Austria, and Mihai-Alexandru Illoaia provides an example of a pioneering campaign aiming to break the silence of Romani women in Europe.



Moreover, we wanted to focus on stories which break the illusion of isolation of specific issues, and put them in a global perspective translatable to all levels and localities. What we have put together transcends mere geographical boundaries in order to draw awareness to common underlying injustices. Ariel Drehoobl warns of catastrophic consequences of burgeoning global acceptance of fracking as the solution to the looming energy crisis, Cristiano Lucas Silva Goncalves puts the Russian anti-LGBT laws in the context of the United Nations Human Rights Committee and examines the implications, Victoria Apostol writes about the predicament of sex workers and the complexity of different approaches to the topic, Dzhoys Kuaovi examines the intersectionality of female labor immigrants in Russia, Isabel Patkowski tells the tale of confinement that has become the dominant feature of the US penal system, Liviu Dinu sheds light on the segregation practices against the Roma population in Romania, and Cătălin Buzoianu draws attention to the contradictions and unexpected consequences of universal jurisdictions.

All these issues illuminate the hard work that awaits CEU graduates in creating a more open and just society, but also unearth personal stories of success and involvement which open the doors to future progress. The cover picture, for example, is a testament to current involvement from our students. This picture, taken by Ruth Mosser, shows CEU students at a CEU student-organized solidarity rally for the events in Ukraine of late 2013 and early 2014. In sharing these works with you, we want you, the reader, to understand that the students at CEU are not just here to earn a degree; CEU students are here to enable and catalyze positive change within our local and global communities.

We hope that this issue of *The Activist* will not only inform you of global injustices around the world, but also inspire you to act upon them.

The Judges May Fall

Scientific knowledge cannot help us resolve the contradictions and the unexpected consequences of our actions under universal jurisdiction
says **Cătălin Buzoianu**



“The arrest of Augusto Pinochet in the United Kingdom has focused attention on a little used provision of international law – the universal jurisdiction rule. This rule allows the prosecution of those responsible for war crimes or crimes against humanity in the courts of any country, regardless of where or when the crimes were committed and the nationality of the victims or the accused. If applied effectively and fairly, the universal jurisdiction rule could be an extremely important tool for combating the most serious human rights abuses.”

Justice Richard Goldstone [1]
(Constitutional Court of South Africa, former Chief Prosecutor, International Criminal Tribunal for the former Yugoslavia and Rwanda)

The episode that Justice Goldstone is referring to is the arrest of former Chilean dictator General Augusto Pinochet in October 1998 by a savage team of Scotland Yard bloodhounds armed with an arrest warrant issued by Spanish ‘cowboy’ judges Baltasar Garzon and Manuel Garcia for crimes against Span-

ish citizens in Chile.[2] Pinochet had flown to the United Kingdom to undergo minor back surgery, and allegedly was about to cut short his recuperation by way of the hospital window in the dead of night, just when the constables presented him with the Interpol Read Notice.

The importance of Pinochet’s arrest and subsequent 16-month detention cannot be overstated: it was the first time when under the doctrine of universal jurisdiction the agents of a nation-state arrested a former Head of State, carrier of a diplomatic passport, without having committed any crimes on its territory. Faint reminders of those little ‘never again’ pledges made by those hunting the jungles of South America for Nazi war criminals after the Second World War grew tall like oak trees overnight.

“Fiat justitia ruat caelum”, this ancient Latin saying calls us to do justice even though the heavens fall. In the past 16 years Spanish judges have taken this phrase to heart, and have pursued the most

vicious murderers and torturers in cases of human rights violations, from Argentina to Tibet. Understandably, controversies envelop the concept of universal jurisdiction. Amnesty International has called it an “essential tool of international justice” [3], while Henry Kissinger himself has associated it with “the dictatorship of the virtuous”, the kind which “has often led to inquisitions and even witch-hunts” [4]. Historically, it may have helped drive the establishment of the International Criminal Court in The Hague. Politically, it surely complicated issues of national sovereignty, and legitimacy of prosecution by agents of National Courts on foreign soil.

After all, when in 2003 the names of former United States (U.S.) President George H. W. Bush, former U.S. Vice-President Dick Cheney, and former U.S. Secretary of State Colin Powell, were brought like those of common liqueur store criminals before a Belgium court by Iraqi families for purported crimes against humanity

perpetrated during the first Gulf War, it showed just how discomfiting for some the use of universal jurisdiction can really be [5].

Fast-forward to this past February when The New York Times reported that Spain’s National Court issued warrants for the arrest of Jiang Zemin (88), former President of the People’s Republic of China (PRC), and Li Peng (86), the former Prime Minister, in a case related to alleged human rights abuses in Tibet [6]. It was no coincidence that the group of exiled Tibetans chose Spain of all countries to file the lawsuit back in 2006, but with the Pinochet affair in mind Spanish lawmakers of the then ruling Socialist Party later acted in 2009 to restrict the reach of judges to either national territory or own citizens[7]. Now PRC pressures and Spanish export interests have jump-started the incumbent Popular Party’s drive to curtail universal jurisdiction, specifically to limit the prosecution’s reach in cases of torture and crimes against humanity to Spanish nationals, to Spanish residents or to foreigners living in the country whose extradition has been denied [8].

But is it all a matter of economic interests, of choosing the potential business partner instead of the potential criminal suspect? And more importantly, can we imagine a world where universal jurisdiction is applicable without an implicit double standard that divides the human rights violators we know and support, from the ones we gladly loath and denounce?

By any reckoning, these are very difficult questions to answer even without all the conflicting interests. On this note, the German sociologist Ulrich Beck has called attention to what he calls “reflexive modernity” – the contemporary historical period in which the pillars of modern society, rationalization, individualization and market capitalism, have developed inasmuch as to reveal history and existence as riddled with uncertainties and risks [9]. In this world dominated by the obsession for the future and the pre-

Can we imagine a world where universal jurisdiction is applicable without an implicit double standard that divides the human rights violators we know and support, from the ones we gladly loath and denounce?

dominance of risk there are no decision-making processes which on the virtue of the accumulation of information alone, which hopes to reconstruct a “unified picture of the world” that would enable issues and problems to be clearly distinguished and solved, must not be ultimately content with the lesser evil. In other words, scientific knowledge cannot help us resolve the contradictions and the unexpected consequences of our actions under universal jurisdiction just by its unsubstantial claims to offer certain knowledge about the everyday circumstances of their application. As always the potential ‘solution’ is political in nature, but the difference is that decisions taken in societies of reflexive modernity draw attention to their own ad-hoc nature, and to the diversity of discourses and points of view of the parties they affect.

In effect, this is just a very complicated way of saying that considerable more progress in handling the political consequences of the State’s decisions against or for universal jurisdiction on the

suspects of crimes against humanity and their wretched would-be victims, can be achieved when contradictions of interests are manifestly taken into account. The elected officials of the nation-state admitting to value

higher economic interests in the decision-making process than a sense of justice or of loyalty to defending human rights can lead to more fruitful discussions in which the contradictions between a humanitarian discourse and a

pragmatic behaviour are brought to the light, not kept in the shadows. For all we know radical judges such as Garzon may fall from the public spotlight, but the issues they fought for must not.

ENDNOTES

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Resilient Spirits

Roland Schmidt brings to light, the story of Mustafa Ait Idir, a former Guantánamo detainee



It is a beautiful day in Sarajevo. Mustafa Ait Idir and I are sitting in the back office of his recently opened copy shop. We sip some Bosnian coffee and for the first time in a very long period, I see

Mustafa in an upbeat mood. Lately, business has been going well and after years of what seemed like a difficult odyssey, things are shaping up. "Trust me, my friend, I don't want to com-

plain. I can't do anything about the past. I take it day by day and things are getting better. Step by step." And these steps have taken him a long way – all the way back from Guantánamo and eventually

to the copy shop we are sitting in. Mustafa's journey began on October 18, 2001, with his arrest in Sarajevo where he had been living since the mid-1990s. Based on a lead by US intelligence agencies, he and five other men of Algerian background were accused of belonging to Al-Qaeda's branch in the Balkans and plotting to bomb the US and UK embassies. Only a month had passed since the attacks of September 11 and the "War on Terror" needed its victories. However, despite lengthy investigations and an intense pressure by US representatives, Bosnia's law enforcement agencies concluded that there was no credible evidence that would corroborate the US's allegations, justify the men's continuous pre-trial detention, or even warrant the start of a criminal trial. Consequently, the Supreme Court of the Federation of Bosnia and Herzegovina ordered their release. Mustafa's arduous journey, however, was only about to begin. Instead of being released, the men were handed over to US troops stationed in Bosnia.

In an approach that screamed, "either you are with us, or you are with the terrorists," the US representatives in Bosnia had pulled out diplomatic and not-so-diplomatic levers to coerce the local authorities to turn them in. In the context of the "War on Terror", the court's decision had little bearing. Human rights norms were brushed aside as legal idealism divorced from reality. Similarly, attempts by the Office of the High Representative to avert the



THE END OF A LONG JOURNEY The author with Mustafa Ait Idir, Hadj Boudella, and Wolfgang Petritsch outside of the Respekt Copy Shop PHOTO: Courtesy of the author

rendition fell on deaf ears. The new reality was Guantánamo. Mustafa was among the first arrivals in the new detention camp where he was repeatedly beaten, kicked, subjected to enforced nudity, deprived of sleep, and held in prolonged solitary confinement. However, the US authorities refuse to call this treatment torture. To this day, Mustafa's face remains partly paralyzed and one finger severely disfigured. Almost as excruciating as the intentionally inflicted suffering was the forlornness of his detention. Stripped of his rights, Mustafa was continuously interrogated, but never charged or put on trial. In Guantánamo detention is indefinite. The situation only changed when a leading US law firm took up the case of the "Algerian Six" pro bono and litigated their cause all the way up to the US

Supreme Court. In one of the most important judicial decisions relating to the "War on Terror" (*Boumediene vs Bush*), the court decided that Guantánamo detainees are entitled to an independent review of the legality of their detention (*habeas corpus*). The US authorities were therefore compelled to present their alleged evidence justifying the detention of Guantánamo detainees in front of an independent court. As a consequence of this breakthrough, Mustafa and four of his colleagues were among the first Guantánamo detainees to win their hearing.

After more than seven years, Mustafa was eventually released in December 2008. He was never charged with a crime, never sentenced for any wrongdoing, but he also never received an apology or compensation.

And while he finally reunited with his family, his years in Guantánamo continued to weigh heavy on his life. In addition to the hangover of the physical and mental tortures, economic worries soon emerged. Mustafa failed to find a job, and was left struggling without a source of income and perspective. Though unemployment is not unusual in Bosnia, it became increasingly clear that his time in Guantánamo attached a stigma to him. Suspicions die hard: Once suspected to be a terrorist, always a suspect. It was against this background that Mustafa decided to set up his own business. If people did not want to employ him, he could become his own boss.

Due to my previous work as a human rights researcher for the UN Special Rapporteur on Torture, I had already known Mustafa since his release and was familiar with his case. Contacted by Wolfgang Petritsch, the former High Representative to Bosnia who had tried to avert his rendition in 2001 and supported Mustafa's case through the years, we decided to support his endeavor. The goal: to kick-start a copy shop. Together we started to develop a business plan, budget and eventually a proposal for a crowdsourcing website to raise 25,000 Euros. The amount would cover the acquisition of the necessary copy

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machines, plotters, scanners, IT equipment as well as necessary payments for office rental to start up his copy shop.

By means of Facebook, Twitter, press conferences and individual interviews with various news outlets the project and Mustafa's story were promoted. And over time, not quickly, but continuously, donations started to come in. A large number of smaller donations, but also a few 'heavy weights' eventually turned what had started as an audacious idea not only into a source of income, but also an expression of solidarity, support and recognition of the injustice experienced.

Today, Mustafa is the proud owner of a copy shop offering everything from copy services to imprinted mugs and T-shirts. With no small touch of irony, the shop is located right next to the Supreme Court which ordered Mustafa's release in 2001 and some of his customers' printouts carry the sponsor logo of the US embassy (which he allegedly wanted to bomb). The same police officers who handed him over to US troops are among his most regular clients. "Trust me, Roland, they remember me, they know me. I asked them. But they never said sorry." And after a pause, Mustafa says with a sly smile, "But when they come, they never ask for the price". The opening of the copy shop is in many ways a somewhat positive ending to a sad story, but it should not distract us from the underlying and continuing injustice. It would be first and foremost incumbent on the US as well as its complaisant allies to provide former Guantánamo detainees with redress. As encouraging as the success of the crowdsourcing campaign might be, this activism should not have been necessary. The project's numerous supporters stepped in where states failed to respect their human rights obligations. Mustafa didn't call his shop "Guantánamo", but "Respekt" as in the respect of human rights. That's all he wanted. That's all he wants.

The Forgotten People

Radu Niculescu writes about the unsolved conflict in Sudan and its unrecalled human toll



We live in a time when international headlines are monopolized by the conflicts in Ukraine or Syria, while other issues remain in the shadows or receive very little coverage (eg. the crisis in Sudan, South Sudan, the Central African Republic or the Democratic Republic of Congo). As new conflicts emerge, the public attention is shifted away from older (and often unresolved) ones, pushing these to the bottom of the world's agenda and often leaving them to be slowly forgotten.

One of these "forgotten" conflicts is still taking place in Sudan, where the situation is a persistent reminder of the international community's inability to solve internal issues which often see governments being unable or unwilling to protect their populations and human rights being abused without any foreseeable remedy. Today, more than ten years after the violence that broke out in Darfur in 2003, Sudan has split into two states, with South Sudan being the world's youngest state, but with both countries unfortunately occupying the third and fourth place respectively in the Failed State Index developed by the Fund for Peace and Foreign Policy [1]. What is more worrying is that the number of Sudanese

refugees has remained constant during the years, around 500,000-600,000, while the number of Internally Displaced Persons (IDPs) has been steadily rising, with few exceptions, currently being at around 1,873,000 [2]. Similarly, the situation in South Sudan is not getting any better, and has been far from stable, leading to more than 100,000 refugees and 400,000 IDPs [3].

But these are just numbers, statistics which can express how dramatic the situation is, but can only tell a part of the tale without truly focusing on the human element. The aforementioned numbers do not tell the full story of the people of Sudan or South Sudan, or of refugees and IDPs in general - people who have endured unimaginable hardships and had to fight for their lives and flee their homes. The only thing highlighted by statistics is the fact that the problem remains years later, and that little has been done while millions of people are left suffering.

One such story is that of Adam, a young Sudanese refugee who saw his life fall apart due to the violence that took a hold of his country. I met Adam during a Youth in Action training in the

Hague in 2014. Little did I know that behind his jovial and optimistic personality a story of struggle and oppression was hidden. When the conflict broke out in Sudan in 2003, he was a student in Khartoum, not mature enough to understand the nature and possible outcome of the conflict. For him, as for many others of his compatriots, it was only a step of change, another one of the many violent phases through which his country was already going. He believed that the Government was capable of controlling the rebel groups due to its experience in crisis management. However, when the rebel movement started to divide into smaller factions, the conflict became more complicated. Losing or winning in such a case became confusing - divisions based on tribes or ethnicities led to human casualties which were hard to measure. In the end, as Adam described it, the conflict took unbelievable proportions and due to the unimaginable scale of violence everyone lost something or somebody.

In 2005, Adam was arrested by the Government for one year. There was no case against him, no stated reason for the arrest, thus leading civil rights groups

and human rights activists to demand his release. He was not taken to court, nor officially indicted, and he believes this was the Government's way of showing that the faith of its citizens hung on a thread. When he was released from prison one year later, he fled to Cairo where he tried to register as a refugee. He was given a six-month waiting period before his refugee status determination (RSD) interview would take place, and then, after being informed that it will not take more than a week, he had to wait another six months without even receiving a call. He was relying on family and friends during this period and after losing members of his family in Darfur, he decided to go back to Sudan.

In 2008, after returning to Sudan, Adam managed to get a job and tried to rebuild his life, only to be arrested again after one and a half years. As he described it, the second time in prison was tougher as the authorities wanted to send a message, maybe even to kill him, to show that his life can be taken away at their discretion. After the 30-day preventive arrest period expired, he decided to go on a hunger strike as a sign of protest for not being released according to law. This prompted a visit from UNAMID, the UN mission in Darfur. The visit led to the UN sending a letter to the Headquarters of Khartoum Intelligence Service calling for his release. The UN Human Rights Officers interviewed him for a number of days but he believes that one of them, a Sudanese man with British nationality, was

The prospects for a solution to the Sudanese conflict are bleak, leaving ahead a future of uncertainty for more than two million forcibly displaced people.

withholding information and that he was co-operating with the Government. When he met him, given that he knew him before, he only asked him to transmit to his friends that he was on hunger strike, if anything bad happened. Not only did this not happen, but it was later discovered that all the information about his interview was gone, and all the files and cases have disappeared without a trace. Moreover, issues related to UNAMID's internal and external communication have been noted by former employees, who expressed their grave concern about the mission's reporting methods [4].

Adam was released shortly after this event took place and his only option was to flee to Kenya. He found out about the disappearance of his case files when he asked for them as they could have been useful during his RSD interview with the UN Refugee Agency (UNHCR). In the end, he stayed for four years in Nairobi, doing translations, seldom finding work and constantly lacking money. After receiving news from a friend that the Sudanese government was trying to make arrangements to get him deported back to the country, he reported this to UNHCR and ran away from Nairobi to Nakuru (around

150 km away from Nairobi). He only returned when the situation became safer. This is also when some good news finally arrived after years of struggles and waiting. On November 19, 2012, thanks to UNHCR and the Dutch government, Adam was resettled to the Netherlands. He received housing from the Dutch authorities and he is currently doing translation work, hoping to improve his academic education in the future. He says that it was a bit hard to adapt at first but, "after a long and difficult journey, you get to feel a bit familiar with strange places", therefore not making it so difficult to cope. His new fight is to help his brother, who is in a hospital in Kenya due to sickness — making it even harder for him to seek asylum. After all the setbacks he faced, Adam concludes that the only ones willing to help are UNHCR, they are "one of the good ones, at least they try".

In lieu of a conclusion Adam's story is similar to the stories of many other forcibly displaced persons, most of them unfortunately not having the chance of a voluntary return, resettlement, or local integration. They are the people who, besides the UNHCR and a number of NGOs, governments and international

organizations, tend to be forgotten by the international community. The prospects for a solution to the Sudanese conflict are bleak, leaving ahead a future of uncertainty for more than two million forcibly displaced people.

The options for such a conflict are threefold. First, such situations need a prompt reaction from the UN and the international community, especially in cases which prompt for intervention possibly under the Responsibility to Protect (R2P) doctrine. Sudan was a first test and a first failure for the R2P, as little has been done to address the situation from its very beginning. The government demonstrated its inability and its unwillingness to protect its population, therefore shifting this responsibility to the international community which was slow to react and in the end did little to protect the citizens of Sudan. Secondly, given that the conflict has evolved and has led to the displacement of millions, more has to be done in terms of aiding

the refugees and IDPs. The UNHCR is already overstretched due to the numerous situations it is trying to manage while countries are reluctant to do mass resettlements or local integration, leaving millions of people in a state of limbo. Thirdly, and most importantly, the main option remains voluntary return. However, this is only possible once conflicts are over and the situation has become stable.

Both Sudan and South Sudan have seen a number of peacekeeping missions [5], all of which have had a total expenditure of more than \$20 billion without improving the situation. An option remains in the rethinking of the peacekeeping missions' mandates, as it was the case of the Democratic Republic of Congo in 2013, when an intervention brigade was created to address the root causes of the conflict [6]. Such a move completely changes the optic of traditional peacekeeping missions, based on neutrality and a self-defensive mandate, making the UN

chose sides and go on offence. As problematic as this is, it remains the only option in the face of allocating a significant amount of resources with few positive outcomes. If the UN wants results, it needs to become more pragmatic and determined in solving such conflicts, otherwise they could go on forever in spite of the billions of dollars thrown at them.

So why do we need to raise awareness about such situations? In my opinion, we owe it to people like Adam, who had to endure difficulties none of the readers of this piece have probably endured, and hopefully will never have to. Secondly, we owe it to his family, to his Sudanese compatriots, and to all of those who are torn apart by war and who sit helpless in wait for a solution. Lastly, we owe it to ourselves, if we truly believe that we can do more "to save future generations from the scourge of war" [7] and if we truly believe that human rights apply equally to all.

ENDNOTES

- [1] "The Failed States Index 2013" <http://ffp.statesindex.org/rankings-2013-sortable> (accessed March 21, 2014)
- [2] UNHCR Population Statistics <http://popstats.unhcr.org/> (accessed March 21, 2014)
- [3] Ibid.
- [4] "UNAMID is distorting the truth about Darfur", Free Press Unlimited (December 13, 2013) <https://www.freepressunlimited.org/en/article/unamid-distorting-truth-about-darfur> (accessed March 21, 2014)
- [5] UNAMIS (UN Mission in the Sudan), deployed from 2005 to 2012; UNMISS (UN Mission in South Sudan), deployed from 2011 to present; UNISFA (UN Interim Security Force for Abyei), deployed from 2011 to present; and UNAMID (the African Union – United Nations Hybrid Operation in Darfur), deployed from 2007 to present. <http://www.un.org/en/peacekeeping/operations/> (accessed March 21, 2014)
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The Fracking Puzzle

Ariel Drehabl finds that fracking is the latest threat towards Environmental Human Rights

As the global population continues to grow, we will have to make difficult choices about which risks we are willing to accept in order to obtain the necessary energy for the lifestyles we wish to live. Fossil fuel sources, nuclear technology, and even renewable energy sources all have risks that need to be weighed against one another. Currently, hydraulic fracturing, often referred to as 'fracking', has risen to prominence in the energy discourse as a possible alternative to these other risky energy sources. Although fracking has yet to be implemented to its full global potential, the discourse surrounding fracking has spread throughout the world. Politicians, scientists, businesspersons, and anti-fracking activists are currently debating whether fracking should become a major method of energy extraction in the future.

Fracking is a multi-step process in which rock is fractured through the use of pressurized liquid in order to release shale or other natural gases. First, water is mixed with chemicals and then pumped into the ground at high pressure in order to create fissures in the rock to allow the gas to escape. Typic-

ally 2-8 million gallons of water are used per well. This process creates wastewater that is then retrieved from the well and taken to a disposal site. Many fracking plants that process the gas and wastewater run 24-hours a day, creating noise and light pollution that may disturb people and wildlife nearby [1]. The chemicals used in the process are mostly untested, and they create air and water pollutants that have not been entirely identified [2]. Filters used in fracking sites have also been found to produce 27-tons of dirty, radioactive filters per day [3]. Despite the pollutive process, fracking allows us to tap into a previously unavailable energy source with great success.

Although fracking may have serious environmental impacts, proponents argue for its positive effects. Fracking advocates emphasize the fact that fracking provides an unconventional fossil fuel source, which releases less CO₂ when combusted than coal or oil. The fracking process creates jobs and stimulates economies, and shale gas can also help increase the sense of energy security for a nation as shale gas can be harvested in countries where other energy sources are

lacking. For example, the United States is predicted to displace Saudi Arabia as the world's greatest producer of oil due to the US' fracking methods. Last year the US produced 7.4 million barrels of oil a day, and this year 8.3 million barrels are predicted, and fracking is attributed to this massive increase [4]. Proponents also predict that fracking will cost less than one-third the price of oil and is expected to create 600,000 jobs [5]. Some also believe that fracking may help curb the effects of climate change as burning shale gas produces less greenhouse gases than burning coal and other fossil fuels, but others argue that we need to move away from carbon fuel sources altogether and increase investment in renewables.

While proponents champion fracking's safety and efficiency, opponents highlight its potential dangers. Many aspects of fracking have not yet been intensely scrutinized or researched, and studies are currently underway in numerous countries and municipalities to determine the environmental and health effects of the technology. Even with this uncertainty, many scientists believe that fracking has the potential to



A NEW THREAT *Fracking the Backken Formation in North Dakota* PHOTO: Joshua Doudek/Wiki Commons

reduce air quality, pollute ground and surface waters, contaminate soil and ecosystems, and affect human health. One study found that of 353 chemicals known to be used in fracking, 25% could cause cancer, 40-50% could affect the nervous system, immune and cardiovascular systems, and more than 75% could affect the skin, eyes, and respiratory system [6]. Chemicals used during the fracking process may seep into deep-water wells, which will harm entire communities. Between 2008 and 2012, 161 instances of drinking water contamination were reported in the United States [7]. Billions of gallons of water will potentially be removed from the earth's hydrologic cycle just to be pumped into the ground again for the fracking process. This loss of water may also, and already is, threatening fragile ecosystems. Fracking activities may also lead

to increased sexual violence. A 2013 New York Times article highlighted the potential increases of sexual violence against women that gas fields can create due to an influx of men into these communities [8]. After assessing the effects of fracking, the UN General Assembly stated that the environmental damage caused by fracking activities poses "a new threat to human rights" [9].

Fracking activities should be sufficiently examined by each locality in order to best assess the effect fracking may have on the local environment. Anti-fracking groups have arisen in many of the locations that fracking has or may take place, with names such as Frack-Off, No Fracking Way, and Stop Fracking Now. Protests and demonstrations have gained momentum around the world, in countries such as the United States, Canada,

the United Kingdom, Romania, France, and Poland. Many of the protest groups highlight the human rights conflicts that may arise in relation to the pollution from fracking. The rights to security of persons and bodily integrity, to family's protection, to the protection of motherhood and childhood, and to a clean and healthy environment are some of the rights under threat from this spreading practice [10].

But not everyone believes that fracking is dangerous or a threat. Many proponents continue to champion the technology as a way to curb climate change and stimulate faltering economies. Fracking is not a new technology. The process has been around for decades, but it is only recently that it has been implemented efficiently and effectively. This fracking puzzle hinges on the fact that we need energy but we are

Is the potential for water contamination and health deterioration worth the affordability of energy for those with tight budgets? Is the social stress placed on communities worth the jobs that fracking could bring?

not sure what risks are worth facing in order to obtain it. Is the potential for water contamination and health deterioration worth the affordability of energy for those with tight budgets? Is the social stress placed on communities worth the jobs that fracking could bring? Currently only a handful of states have implemented fracking technologies while many more brace themselves for the protests and heated debates against fracking that will take place in the future. Each state must decide if the risks from fracking outweigh the benefits, if the economic benefits are worth the risks, and if alternatives to fracking may be better suited to maintain the quality and safety of life for its citizens.

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Eclipsing the Rainbow

Cristiano Lucas Silva Goncalves shows how the lack of freedom for sexual minorities fares with the standards set by the United Nations Human Rights Committee



Since 2006 France, Uruguay, Denmark, New Zealand and five other countries saw their Parliaments allow same-sex marriage. The judiciaries of Brazil, the United States and South Africa did not remain inert in advancing rights of lesbian, gay, bisexual, tran*s (LGBTs): the first allowed same-sex civil unions, the second granted federal recognition of same-sex unions related to some federal benefits, and the third forced the parliament to legalize same-sex marriage. In a reverse trend, Russia began a crackdown on so-called homosexual propaganda. It was followed by Moldova, Ukraine, Lithuania and Hungary, each of them attempting to pass similar legislations. More recently, in Uganda, a shocking law, which goes much further than limiting propaganda, was signed, and Nigeria has a similar project [1], [2]. What seemed to be a tendency in recognition of rights to sexual minorities has been suffering a severe setback [3],[4].

The first of these anti-homosexual propaganda laws was passed in Ryazan region, south of Moscow, and imposes an administrative fine on those engaged in "public actions aimed at propaganda of homosexuality [...] amongst minors". Arkhangelsk,

Kostroma, Saint Petersburg and other Russian regions passed their own laws, followed by the federal Parliament that extended the ban to the whole territory. What these bills and laws against homosexual propaganda share is the concept that this kind of propaganda is a threat to children and the freedom of those willing to express positive views on homosexuality should be limited.

As freedom to express one's views is recognized as a human right, conventions and covenants are called upon to scrutinize these limitations and verify the compatibility between these laws and human rights. All the mentioned countries have ratified the International Covenant on Civil and Political Rights (ICCPR), and, with the exception of Nigeria and the United States, are also signatories of the First Optional Protocol to the ICCPR that gives jurisdiction to the United Nations Human Rights Committee (the Committee) to rule on cases related to alleged violations on rights protected by the Covenant. But does the Committee have something to say on the matter of these homosexual propaganda bans? If so, does it offer help to sexual minorities [5]? Litigation under the Commit-

tee related to sexual minorities' rights are discussed based on the articles that protect private life, freedom of expression and prohibit discrimination, respectively articles 17, 19 and 26 of the ICCPR. Apart from their peculiarities, such as the conditions under which they can be limited, each of them contributed extensively to a wave of recognition of sexual minority rights' violations before the Committee in the early-1990s.

The Committee, nevertheless, was initially reluctant to grant rights to sexual minorities. Decided in 1982, the case *Hertzberg v. Finland*, one of the few cases before the Committee that touched upon LGBT rights, was concluded with the Committee finding no violation to the right to freedom of expression of the complainants. Similarly to the current drawbacks on LGBT rights, the issue under discussion was about public expression of ideas related to homosexuality. In *Hertzberg*, the Committee was called to decide about a Finnish policy, based on a criminal law that barred TV and radio broadcasters from raising discussion about homosexuality amongst Finnish society. The Committee based its reasoning on article 19(3) of the ICCPR and ruled that,

as understood back in the 1980s, the limitation of that right was within the margin of discretion of the Finnish State and was justified by the necessity of protection of public morals. Moreover, the Committee assessed that information raised in such discussion could be a harm to minors.

Another prominent international institution that was tuned with a similar understanding regarding sexual minority rights is the European Court of Human Rights (ECHR). This tendency of non-recognition of rights was reverted since *Dudgeon v. United Kingdom*, in which the ECtHR found that criminal provisions prohibiting homosexual consensual sex in Northern Ireland were in violation of the right to privacy granted by the European Convention on Human Rights.

Toonen v. Australia is the counterpart of *Dudgeon* before the UN Committee. Called to decide about the criminalization of homosexual male sex in Tasmania, the Committee laid down a principle that poses a great influence not only in the ongoing discussion over prohibition of propaganda of homosexuality, but also on other issues related to different treatment of sexual minorities. After *Toonen*, an ICCPR prohibition on discrimination encompasses prohibition on grounds of sexual orientation. In applying this principle in different cases such as *Young v. Australia* and *X. v. Colombia*, the members of the Committee decided that it has applicability in the Russian ban on LGBT propaganda.



RIGHTS FOR ALL Protests against Russia's banning of Gay Pride, July 1 2011, outside the Russian Embassy in London PHOTO: Peter Gray/ Wiki Commons

The case *Fedotova v. Russian Federation* is about the first of the regional Russian laws limiting homosexual propaganda [6], [7]. The complaint before the Committee was brought by a LGBT activist who was fined for holding posters containing positive messages about homosexuality near a secondary school in Ryazan [8], [9]. After unsuccessfully applying to domestic courts to revert the fine, she complained to the Committee alleging an illegal violation on her right to freedom of expression and claimed the law to be discriminatory. The relevant core of her claim, therefore, lies on two propositions. First, the limitation on her right implies that homosexuality is morally wrong, which goes against an understanding of sexuality not as an acquired condition, but in the opposite, that it is ontological to the individual. Secondly, that she was discriminated due to her sexual orientation.

The Russian government, on the other hand and what affects the mentioned arguments, contended that it was acting with a will to protect morals, what according to its views is allowed by the Covenant, and that the complainant was not discriminated as the fine was not imposed due to her sexuality, but because she infringed the law. The Committee in *Fedotova* construed its position about the Russian ban on homosexual propaganda: it concluded that the Ryazan law is in violation of the ICCPR. The abovementioned case-law and

According to Mr. Opsahl “public morals’ [...] are relative and changing. State imposed restrictions on freedom of expression must allow for this fact...” Thirty-five years have passed since Opsahl’s words were written and it seems that this lesson has yet to be learned.

General Comment No. 34 on Article 19 of the Covenant are the main grounds used by the Committee in its reasoning. From *Toonen*, the Committee found the Ryazan law discriminatory due to the difference in treatment towards homosexuals. General Comment No. 34 was used to repeal the argument that those laws have the aim to protect morals due to the fact that morality arguments should not be based in a single moral tradition. In other words, the Committee found the law in Ryazan that banned homosexual propaganda to minors to be discriminatory, therefore in violation of the ICCPR, and that the limitation on freedom of expression could not

be justified by the morality claims presented by Russia [7].

The grounds on which the Committee based its decision strengthen sexual minorities on its current struggle, not only to have rights recognized, but also not to see the curtailment of those already protected. In *Fedotova*, the Committee overruled *Hertzberg* and reinforced the ICCPR prohibition of sexual minorities’ discrimination. The main consequence of this case is the narrowing of the margin of discretion granted to a state when limiting expression rights and public discussion of society’s acceptability towards homosexuality based on morality grounds.

While this article was being written, the outcome of a Parliamentary session in Lithuania that decided upon another ban on expression rights of sexual minorities based on morals was still unknown. Although voting with the majority in *Hertzberg*, Mr. Opsahl, member of the Committee, said that “public morals’ [...] are relative and changing. State imposed restrictions on freedom of expression must allow for this fact and should not be applied so as to perpetuate prejudice or promote intolerance” [8]. Thirty-five years have passed since Opsahl’s words were written and it seems that this lesson has yet to be learned.

ENDNOTES

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 [3] Nicholas Toonen v. Australia, Communication No. 488/1992 (United Nations Human Rights Committee 1994), paragraph 8.7.
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 [5] *Ibid.*, paragraph 6.1.
 [6] This General Comment also addresses the necessity that limitations should not violate non-discriminatory provisions of the Covenant. Nevertheless this claim can be better supported by the previous case law rather than on this Comment.
 [7] *Ibid.* Irina Fedotova v. Russian Federation, Communication No. 1932/2010 (United Nations Human Rights Committee 2012), paragraph 10.8.
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Environmentalism in the Balkans

Maciej Dybala brings back his memories from Sisak Eco Film Festival in Croatia and BiH in May 2013



RELIGIOUS AFFILIATIONS *The occasional mosque reminds us of the unique and heterogeneous Bosnian population of Muslim Bosniaks, Catholic Croats, and Orthodox Serbs. While the nature shines, troubled history of the region has had an impact on lived life.*



BATTLE SCARS *Reminders of the war remain scattered around the area.*

Sisak earned the reputation of being the most polluted city in Europe. While this might be the product of local media's sensationalism, the fact remains that it is the home to chemical and petrochemical industries, and the town with the highest rate of air pollution in Croatia [1]. In 2008, the Sisak Culture Center decided to organize an ecological film festival to counter the image of the town as an environmental wasteland.

The idea was that the festival team would commute by bicycles from one place to another and raise environmental awareness by screening short movies touching upon environmental issues. The festival was successful enough to have an edition every following year, including the one in May 2013 when I joined the festival team as a volunteer. In two weeks, over a distance of roughly 700 kilometers, we visited twenty local communities in Croatia and Bosnia and Herzegovina.

The team, as well as our hosts along the way, enjoyed beautiful landscapes, delicious food, and the hospitality for which the region is known for. At the same time, we passed houses destroyed during the war in the 1990s, heard stories of loss and pain, and navigated away from mine fields now covered in beautiful meadows and flowers. This juxtaposition of a region showcasing all its beauty and all its troubled history at the same time made an impact on all participants. Personally, I came to three conclusions. Firstly, it felt right to be in a region that is so beautiful and historically charged, and already working on environmental issues that will help shape a better future. Secondly, I was inspired by the organizers of the festival who cared about the future while still dealing with problems from the past and the present.

The municipality's money that was supposed to support the festival was suddenly more needed for supporting the incumbent candidates for the local elections which were accidentally taking place in the same time as the festival - this event further proved how defiant the organizers were in the face of deteriorating political and economic situation in both Bosnia and Croatia. Lastly, I realized much traveling by bicycle can change one's experience of a route. We bonded not only with each other, but also with the hosts in small villages we passed, and the natural surroundings that served as our home for the two weeks. All this made our team very motivated to deliver our ecological movies



RESILIENT NATURE *The destruction of the war is contrasted by pristine landscapes. PHOTOS Courtesy of the author.*

and messages to the twenty local communities planned on our way. The turnout varied from no one showing up, to overcrowded rooms with people sitting on the floor. Most villages celebrated our arrival as an important community event, and we all hoped that our presence will influence at least one person in the village, if not entire groups and future decision makers.

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DANGER, MINES! *The project of removing mines from BiH remains to be completed.*

Uncovering the Complexities of Sex Work

Criminalization of a client is an inappropriate way to deal with sex work finds **Victoria Apostol**



On February 26, 2014 Members of the European Parliament (MEPs) voted on a study called “Sexual exploitation and prostitution and its impact on gender equality.” [1] The report is known as the ‘Honeyball’s Report’ because of its rapporteur Mary Honeyball, a Member of the European Parliament for the Labour Party representing London and a member of the Committee on Women’s Rights and Gender Equality [2]. The main call of the report refers to the “Nordic Model”, criminalizing those who purchase sex, as an appropriate solution and measure for ending human trafficking and sexual exploitation through addressing gender inequalities. It was designed from the perspective that sexual activities that have attached economic implications represent a gender issue. Simply put,

men paying for sex constitute an oppressive form of objectifying women by seeing their bodies as a commodity [3]. In this regard, the report aims to call upon member states to address human trafficking and sexual exploitation as a gender-related problem. It seems that the report is appropriate, since it addresses a serious problem bringing even solutions for it, but in fact it is not.

There are several problematic elements that make the Honeyball’s report an inappropriate approach towards human trafficking, sexual exploitation, and sex work. This article explores only some of the problematic aspects of the Honeyball’s report. My critique is designed from a point of view reflecting the reality of sex work rather than from a moralist perspective

towards sexual activities. This paper is based on the belief that the word “prostitution” and its derivatives are offensive. I would rather use the terms “sex workers” and “sex work” for making references to persons engaged in sexual activities, regardless of whether they were forced or not to practice this type of work.

One of the main problematic aspects of the Honeyball’s report is that it does not make a difference between voluntary sex work and forced sex work. Forced sex work can be understood as sexual exploitation that can be a result of human trafficking or through other force. This aspect is highlighted also by two groups of MEPs that expressed their opinions as a minority opinion in relation to the report [4]. In fact, the report mentions that there are two main approaches towards sex work, one of them being voluntary engagement. However, it does not seem that the authors of the report fully acknowledge that sometimes sex work is a voluntary choice people make, which means that the report ignores the reality of sex work and the real problems related to it. This

seems to be blind to the existent diversity of women and men within the EU. Hence, it means to adopt a traditional vision of sex work, namely a relationship only between heterosexual women and heterosexual men and this is automatically violent. In this regard, the report fails to acknowledge that there are lesbian/gay, bisexual, trans* women and men, alongside heterosexual women and men that can engage voluntarily in sex work based on the consent between two or more adults. The failure to acknowledge this diversity translates into failure to address problems faced by sex workers in relation to their certain characteristics. For example, a gay man may need a different assistance than a heterosexual woman. Adopting a traditional vision of sex work leads to a situation where sex workers who are not falling into the traditional understanding of sex work continue to be invisible.

The report puts a big emphasis on the violence faced by sex workers. It suggests that this violence is a result of gender inequalities and of the way women are perceived by men. Therefore, it concludes, sex work should be diminished by criminalizing its purchase [5]. This assumption illustrates an inappropriate approach towards violence against sex workers because it focuses exclusively on those who identify themselves and/or can be identified as women. Violence against sex workers should be analyzed at least from two perspectives, namely violence applied to sex workers



FIGHTING BACK Sex workers rally in Kolkata, India, July 24, 2012. PHOTO Sourced from paper-bird.net

as women (all kinds of women) and violence applied to sex workers who do not identify themselves as women. This difference is important because it addresses the double discrimination and violence that female sex workers can face. They have to suffer because they are women and because they are sex workers. For example, the EU Agency for Fundamental Rights launched recently a survey on violence against women within the EU and according to this survey “half of all women in the EU (53 percent) avoid certain situations or places, at least sometimes, for fear of being physically or sexually assaulted” [6]. This is just an example showing that violence against women is not a problem related exclusively to sex work and is not caused by sex work. Women face violence in different spheres of life, including private and public realms, but female sex workers are even more vulnerable to it, because of the stigma attached to them. Stigma transforms sex workers in a second class citizens and dehumanizes them.

One example of stigma promotion is the Honeyball’s Report in itself since it contains terms like “prostitution”. It refers to sex workers as prostitutes, a term that has a negative connotation, and it clearly implies that it is wrong/immoral to engage in sexual activities with someone for payment [7].

The report implies that normalizing sex work will be a form of continuation of gender inequalities [8]. An argument as such denotes a very moralistic and traditional perception of sex work and is an improper understanding of gender equality. It implies that only women are, and will be, sex workers. Why should we not see the

sex work as a job performed by both men and women where women are clients too? Would not this be gender equality?

However, it is worth to mention that there is an alternative to this report, namely the policy paper designed by Amnesty International (AI). The AI paper demonstrates that sex work cannot be approached from a single perspective as it was done by the research in the Honeyball's Report. This alternative policy is not yet an official one, but it makes a difference between voluntary and forced sex work. It calls for decriminalization of sex work and demands respect for the sex workers' rights, including the rights to autonomy, dignity,

health, and work [9]. There are different groups which support or are calling for the decriminalization of sex work, this includes the World Health Organization, UN Women, the Global Commission on HIV and the Law, the UN Special Rapporteur on the Right to Health, Canadian HIV/AIDS Legal Network, Human Rights Watch, the Kenya National Human Rights Commission, the Open Society Foundations, and the South African Commission on Gender Equality [10].

Criminalization of any parties involved in sex work (workers and/or clients) entails transfer of sex work into the illegal sphere. This move will not help to eradicate prostitution, but it will rather make it uncontrolled and dangerous type of occupation and entail growth of unreported cases of violence. Moreover, it does not address the real problem that would transform some people into victims of trafficking of persons and/or of sexual exploitation, like poverty, pimps, etc. Voluntary sex work cannot be treated as forced sex work. It needs a different and separate approach that should address the needs of sex workers and recognize the rights they are entitled to by removing the stigma. Being a sex worker does not mean to lose dignity as being married does not nullify the right to liberty of woman to decide upon her own body.

ENDNOTES

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FURTHER READING

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Life in the Neo-liberal Ghetto

Liviu Dinu talks about governmental policies redefining the urban space inhabited by Roma in Romania



“Those who have moved to the Cuprom offices, near the area with the wall, signed papers to agree, but others still in their old homes fear eviction. I lived here 20 years. My woman died here, and I also want to die here. There we will be isolated. Here we have horses, pigs. It's like a concentration camp there at Cuprom, we aren't going there. We want to stay outdoors and cannot stay in blocks”

Trandafir Varga, Roma resident [1]

December 17, 2010 was just another ordinary day for Roma families living on Coastei Street in the city of Cluj, Romania. Approximately 80 families that lived there were awaiting Christmas festivities when the day turned into a shocking surprise. A task force formed from policemen, gendarmes, and other Cluj City Hall employees, started the action of relocating this group of 350 Roma from their homes. Mayor Sorin Apostu coordinated the effort, and the final destination was Pata Rat — a location outside of the city where the city dump and the Cluj-Napoca chemical waste station is situated. In 2011, the local authorities from Baia Mare announced a set of planned urban administrative

measures relating to its Roma inhabitants. In June 2011, the municipality built a concrete wall 1.8m high and 100 meters long next to an urban area inhabited by a few hundred Roma. Following this, the same municipality, with the help of police, started identifying Roma individuals and their households from four areas in the city of Baia Mare. After the identification process, in June 2012, the authorities relocated approximately 1600 Roma to a complex of administrative buildings of a former chemical factory in the city and thus effectively hid the Roma behind the wall. There are certain commonalities in these two cases:

- 1) The local authorities presented these measures as parts of social projects with the purpose of social integration of Roma. Moreover, the measure of building walls next to an urban Roma area and their relocation was presented as an effort to improve the lives of deeply impoverished families and a way of protecting these inhabitants from a street with heavy traffic.
- 2) These projects received strong criticism from civil society organisations, the Council of Europe, and the US Embassy. They con-

sidered these measures of spatial and social division as forms of social and geographical segregation. Moreover, they accused the authorities of implementing deeply discriminatory measures with no social integrative potential.

The literature on the subject clearly states that segregation leads to social exclusion [2], social disintegration, poverty, absence of chances for upward social mobility, and emergence of criminality [3]. Other authors see segregation as a prison and a way of living, generally assumed by generations of inhabitants, and almost impossible to escape. The role of governments in this case is important because employment and other urbanization policies can play a major role in decreasing the size of the underclass, promoting urban development, and dwindling of ghettos. The neo-liberal regime, with its promotion of social justice on one hand and the efforts of collective nation-building on the other, created the so called “nationalising states”[4] - societies that can perceive diversity as a form of conflict of values and interests during the period of creating the imaginary of the “nation-state”. The analysis of these cases helps



KEEP OUT The wall in Baia Mare built in 2011 to keep 1600 Roma people away from the rest of the city PHOTO Sourced from picturelliance/DPA

us to identify ways in which the Romanian neoliberal regime of governance reproduces structural unfairness and exclusion on the basis of ethnic discrimination, within the agenda of rebuilding a nation brand. Moreover, I argue that the Romanian government is using its legitimacy and authority over the ethnic Roma minority as a form of propaganda in order to construct and structure a national identity and nurture national harmony and social cohesion. In Romania, as in other former communist countries, the nationalist politics were enforced through the existence of a single nation, a pre-defined set of cultural values, and the rejection of ethnic minority rights. The studies on Roma ethnic minority in Romania show that this ethnic group was historically perceived and treated as being different from other members of society. The process of geographical segregation was an egalitarian universalist urbanization policy that aimed to gradually abolish traditional communities through attracting their residents to concrete blocks away from their traditional settlements [5]. The process of post-socialist democratization lacked any integration efforts of Roma on the

governmental level. They were left on the periphery of urban areas and on the outskirts of society. Moreover, Roma were always under the threat of becoming victims of violence and discrimination. This situation led many Roma families to abandon or lose their homes [6]. The lack of alternatives made them migrate to isolated public spaces on the outskirts of cities where they built makeshift homes. Schelling's model of segregation explains that this phenomenon occurs from the will of the individuals and not from external factors [7]. I argue that this explanation cannot be applied to the Roma in Romania: they have been forced to resettle by external factors, without having the opportunity to choose their neighbors. There are two major factors that support this argument, and those are income and the historical persecution and discrimination of Roma.

Roma have historically faced obstacles in securing stable income and the capacity to compete for better housing conditions. Moreover, we have witnessed a social dynamic that generates a tendency for concentration of low-income and ethnically similar households.

Officially, Roma represent 3.25 percent of Romanian population [8] and 80 percent of Roma adults live from welfare and child support. The poverty level is 6.5 times higher than the rest of the population and the level of education is very low: less than 1 percent of Roma have higher education and 25 percent of Roma over 16 that are illiterate [9]. With such low levels of income and education, it is hard for anyone to freely make choices.

The historical discrimination and persecution of Roma made the Roma community develop an intergenerational commune strategy of conservation, preservation and development of culture and identity. Through this strategy, they preserved their ethnic social networks, avoided social mixing, and most preferred social and geographical segregation instead of integration and assimilation into mainstream society. Thus, while one might say that they did in fact choose to stay together, it was the pressure of constant discrimination and persecution that guided their choice. It seems that the public opinion in Romania saw the segregation measures as an effort to improve the conditions of the

entire city, and not just the Roma community. In the case of Baia Mare, it seems that the Roma neighborhood was a concern for the city residents. For them, the urban mix with Roma individuals was an old problem of cohabitation and they saw the measures of relocation and isolation of this ethnic group as beneficial. The segregation practices in Europe are not limited to Roma populations: the last decade has witnessed an increasing number of urban segregation policies all over Eastern Europe undertaken by governments and local authorities who are trying

to reconfigure the urban spatial relation with their citizens of different ethnic or social background. Many East European countries have their own urban neighborhoods characterized as deprived areas generating social problems. These problems form a barrier for the community in question and reflect negatively on the image and social life of the city that they are a part of. Sometimes this reflection is so strong that these areas are considered to be places of exclusion and their residents are accused of creating a negative stigma over the entire city.[10]

While it is not difficult to recognize this process of the ghettoization of Roma as a deviant method of gaining political popularity by preserving identity groups, social networks, collective benefits, and cultural values, we must also use it as a point of self-reflection. By looking at these processes in their full complexity, we might be able to overcome exclusionary politics and policies that promote individual interests, and hope for more holistic approaches, which would take into consideration collective interests beyond ethnic and class boundaries.

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Intersecting Identities: Female labor migration to Russia

Dzhoys Kuaovi discusses the intersectionality of Central Asian female migrants in Russia.



Starting from the early 1990s, labor migration in Russia has become an essential component of Russia's economy. This process has engaged people of different gender, age and educational backgrounds, people of different religious beliefs, and people of different ethnicities and nationalities - mostly from post-Soviet countries. In the recent few years, due to political and geopolitical changes, numerous ethnic conflicts, and economic decline, the most significant flow of labor migrants has come from the Central Asian countries, namely Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan [1]. In 2012, migrants from these countries composed more than 35 percent of all migrants in Russia.

Although all five countries are secular states, the majority of their populations are practicing Muslims. This creates difficulties for the migrants, as Islamophobia is a growing sentiment in Russia. The Orthodox Church yields a strong influence and a Constitutional amendment introducing Orthodox values as "the basis of national and cultural originality

of Russia" [2] is under-discussed. This, together with the idea of whiteness as a basis of Russian national identity[3], which has been widely promoted in recent years, may lead to both religious and ethnic intolerance and hate crimes, as well as to the limitation of immigrants' rights and their access to legal protection.

Similarly to worldwide migration patterns, the wave of labor migration of women has increased in the migrant flows from Central Asian countries to Russia. According to the latest data, around 30% of migrants coming to Russia from Central Asian countries are female[4]. In recent years, the percentage of female migrants in Russia, as well as worldwide, has grown, mostly due to the development of the service sector.

Furthermore, the emergence and growth in a number of open markets, as well as technological development, has contributed to this trend[5]. At the same time, real estate development - a sector of the Russian economy which traditionally attracted male Central Asian migrants - has been

significantly affected by the global economic crisis, which led to a decrease in jobs in this sector. Thus, female migrants have had more opportunities on the job market, mostly working as waitresses, shop assistants or cleaning ladies. It is now quite common that they become the 'breadwinners' and provide significant support to their families.

However, these increased opportunities in the Russian labor market are not only a 'privilege' of female Central Asian migrants. There are also disadvantages in the lives of these women. In their particular case, this is not only due to their nationality, ethnicity, religion or their status of migrants, quite often illegal, but also to their gender. Being female labor migrants from Muslim Central Asian countries, they may be oppressed or limited in basic rights and needs on the basis of all the above-mentioned grounds. They often become victims of domestic violence from their partners, which is likely caused by the changes in traditional roles within the family and the femininity/masculinity distinction.

Female immigrants that come to Russia from Central Asian states have little voice or influence, being excluded on the basis of their gender, nationality, and legal status in Russia

In these circumstances, being in a foreign country, they do not have many opportunities to protect themselves or ask for psychological or legal support. One of the key concepts in understanding the various aspects of female labor migration from Central Asia to Russia is the concept of intersectionality. It was first introduced by a prominent feminist and legal expert Kimberlé Crenshaw. In her article 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color', she explains how the intersection of gender and race in cases of violence against women adversely affects women of color [6]. Looking into the cases of battering and rape against women of color in the United States, she examines them within three categories of intersectionality, i.e. structural, political and representational. Although Crenshaw's research addresses the situation of women of color in the US, her concept of intersectionality is equally applicable to the situation of female Central Asian migrants working in Russia.

Firstly, because they are foreign migrants, the women often face language barriers and/or other circumstances (structural intersectionality) that make it difficult for them to find legal or psychological support and protection in case of gender-based violence. Should they need to seek help of the law machinery, they will first have to prove the legitimacy of their residence and employment in Russia, which is often lacking. Language barriers can also be an issue should they seek help in shelters, and there are no crises centers or counselors dealing with the problems of female migrants.

Secondly, political intersectionality also plays a vital role in the position of female migrant victims of violence. Even though Russia is a multinational state, the 'whiteness' of its feminist movements excludes female migrant workers from these movements. The above-mentioned status of an immigrant without a Russian citizenship and sometimes even without a valid work permit or registration similarly leads to exclusion. Also, the patriarchal character of Muslim communities may keep women away from decision-making processes or from claiming

the protection of their rights. Hence, female immigrants that come to Russia from Central Asian states have little voice or influence, being excluded on the basis of their gender, nationality and legal status in Russia.

Last, but not least, comes the role of representational intersectionality and the representation of these women in media and culture. Media has always been a powerful tool of influence both worldwide and in Russia. Representations in media shape the society's perception of facts, phenomena or groups. A group such as labor migrants is no exception. Regardless of gender, they are quite often represented as people bringing various illnesses to the country, committing different crimes, or simply stealing jobs from the local population[7]. Together with the two other types of intersectionality and the widely promoted idea of "whiteness", this representation shapes the position of female migrant workers in a specific negative way. This worsens the oppression they have to face. However, as mentioned before,



the feminization of migration and the fact that these women have more and more opportunities on the Russian labor market also brings a certain 'privilege' to their lives. It is crucial to assess both privileges and disadvantages female labor migrants from Central Asian countries may have, and this requires thorough intersectional research.

CRUSHED HOPES Kyrgyz women and children detained during a police raid on migrant workers in Moscow PHOTO Reuters/Radio Free Europe

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Invisible Women: Double discrimination of Roma women

Mihai-Alexandru Illoaia writes about small steps taken to break the silence of Romani women in Europe.



There are over 6 million Romani women in the world, yet they seem to be completely invisible. The rare occasions on which they are present in the media are, more often than not, in some appalling report of begging, prostitution, or child trafficking. Such practices, we are told, are the routine for their lot. It is a depiction that we often take as granted, rarely questioning it, as there are precious few positive counterpoints to it. In regards to discrimination, Roma women are trapped in the worst of both worlds - both their ethnicity and their gender make them subjects to lives they do not fully control.

Across the European Union, only 37 percent of Romani girls continue their education past the age of 16, compared to 50 percent in the case of Romani men. 19 percent never get any sort of

formal education - a worryingly low number that contributes to the cycle of oppression and absence of chances that they are trapped in. With 99 percent literacy rate, the EU sees illiteracy as almost completely eradicated in its member states, yet that percentage is only 77 percent in the case of Roma women (with wide variations between member states, ranging from 96 percent in the Czech Republic to a shocking 43 percent in Greece).

Roma women are also the demographic least likely to vote in any sort of elections, a statistic that illustrates their lack of participation in decision-making at any level. Further data shows that the number of Roma women over the age of 50 who are in bad health is double the number of non-Roma women in the same situation, and many of them lack any sort

of legal forms or identification, existing in a marginal limbo, at the periphery of society [1].

These disquieting numbers make it obvious that women of Romani origin are among the most vulnerable and least represented groups in Europe, yet meaningful solutions to their plight are few and far in between. Due to the huge gap in education and labour opportunities, quick fixes of their condition are virtually impossible, despite the newfound age of almost universal access to information and education resources. Romedia Foundation, a Budapest-based Roma rights NGO focusing on the production of documentary films, is dedicated to closing this divide.

In 2009, Romedia began the Roma Woman campaign (www.romawoman.org) in an attempt to empower and propagate the seldom-heard individual voices of Romani women, challenge stereotypes, and form a network of Roma activists. The campaign continues to this day, with new video interviews of influential, accomplished and successful

Roma women are trapped in the worst of both worlds - both their ethnicity and their gender make them subjects to lives they do not fully control.

Roma women from around the world being posted every week, shattering comfortable assumptions and offering alternatives to the tired narratives that the media seems to delight in.

Mainstream media outlets are always looking for “new voices” and “unheard stories,” yet minority groups rarely have the opportunity to tell their stories themselves, being placed firmly at one end of the object – subject spectrum. Romedia decided to challenge that by launching BUVERO (meaning “shell” in Romanes), a

yearly summer camp that debuted in 2013 and aims to teach dozens of young Roma women from across Central and Eastern Europe the intricacies of journalism and digital media, in the hope that they will be able to better represent themselves and make their own voice be heard. The alumni are encouraged to use their gained skills and resources to challenge the simplistic narratives that are built around them by the mainstream media, offering a counterpoint to the abundance of negative depictions.

No single organization, regardless of size, budget, or enthusiasm, can bridge the educational and digital divide that plague the Roma women of Europe, yet efforts have to start somewhere, lest our own pessimism renders us impotent. The Roma Woman campaign and the BUVERO project are meant to kick-start a much needed presence of Romani women in the public discourse, an empowerment effort that is meant to catalyze the incremental emancipation of Europe’s most vulnerable and absent demographic.

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Invisible Behind Bars: The need for US prison reform

Isabel Patkowski warns that governments must not forget about any of its citizens – even those who have committed crimes.



Endemic racism, grossly over-punitive sentences, high levels of violence, and the rise of the “prison-industrial complex” are all well-documented features of the US penal system. But one feature of American prisons often remains unquestioned: the

isolation of prisoners from the rest of society, and often, from each other. So entrenched is the notion that prisoners should be kept away from human contact, that such isolation seems conceptually inseparable from the very notion of a prison sentence. Nev-

ertheless, I contend that not only is the isolated prison historically atypical, it is also dangerous. Although prisons have existed in some form since the development of the state, imprisonment was a relatively uncommon punishment before the

Currently there are believed to be 80,000 US prisoners in solitary, including thousands of children, with the average length of solitary confinement as high as 6.8 years in some states.

nineteenth century[1]; rather, in almost all cultures, prisons were primarily places to hold the accused while they awaited trial. Moreover, prisoners were often highly visible. In medieval Europe, prisoners could beg and work, and many Londoners in the 14th to 16th centuries left money to prisoners in their wills [2]. Even in the 16th and 17th centuries prison was “rarely used as a punishment in its own right.” [3]

The modern prison was born in the 19th century. Unlike its earlier relatives, this prison was used specifically to mete out punishment, and designed to exercise near complete control over the lives of those within it. Most importantly, prison became a tool of isolation. French philosopher Michel Foucault writes that “the first principle [of modern prisons] was isolation. The isolation of the convict from the external world, from everything that motivated the offence, from the complicities that facilitated it. The isolation of the prisoners from one another” [4]. Such isolation served, he argues, to prevent association between prisoners, to encourage contemplation and self-reflection, and most importantly, to subjugate the prisoner entirely to the system

in which he is held. Both these forms of isolation – from society, and from each other – have become core to the modern US penal system.

Today, not only are US prisoners kept away from the rest of society, but they are often also denied any means to prepare for their re-entry, such as access to classes or political engagement. The majority of correctional facilities do not offer any higher education opportunities, [5] 5.85 million Americans are prevented from voting due to felony convictions [6] and most states prohibit internet access [7]. And, of course, American prison sentences tend to be extremely long [8].

At the same time, prisoners are increasingly isolated from each other. Nineteenth century French political thinker Alexis de Tocqueville, who originally came to the US for the express purpose of surveying its prisons, wrote that it “has become in the United States an almost popular truth ... [that] no salutary system can possibly exist without the separation of criminals.” [9] Today that idea has been taken to an extreme; the emergence of the super-max prison and solitary confinement are the ideological culmination of the American prison as an institution of isolation. Currently there are believed to be 80,000 US prisoners in solitary, [10] including thousands of children, [11] with the average length of solitary confinement as high as 6.8 years in some states [12].

These twin forms of isolation leave American prisoners uniquely vulnerable to manipulation and domination. Foucault argues that “isolation provides an intimate exchange between the convict and the power that is exercised over him” [14]. The idea is that the prisoner is more susceptible to domination when his access to the dominator is unmediated. If he’s correct, then the American prisoner in solitary is uniquely powerless. This is especially true because of the devastating psychological effects of solitary confinement. Professor of philosophy Dr. Lisa Guenther argues that solitary completely disconnects the prisoner from reality by depriving her of the ability to check her own cognitive experiences against others [15]. In other words, because the prisoner cannot confirm that what she sees is real as opposed to imagined (since she has no contact with persons who can attest that they are experiencing the same things), her sense of reality is totally undermined. This process is manifested in serious, diagnosable disorders.



OUT OF SIGHT OUT OF MIND Prisoners' rights are often forgotten, leaving at the mercy of the prison industrial complex. PHOTO The City University of New York

Most of us inhabit such different worlds from prisoners allowing us to ignore their plight.

However, Human Rights Watch describes the conditions that many American prisoners face as “abusive, degrading and dangerous.” [16] In their annual world report, for example, they found that nearly every juvenile serving life without parole had reported physical or sexual violence in prison [17]. Solitary confinement is often used indiscriminately, and the system in general is grossly over punitive with one in 99 Americans living in prison, the highest rate in the world [18].

If all prisoners were allowed to vote, politicians would have to pay attention, and the government

would have a reason to care about prison conditions and just sentencing policies. If prisoners had more internet access and more contact with non-prison officials, and if we conceived of prisoners as people who will (generally) re-enter society, and thus who should be given the means to prepare for that re-entry, then we would have a greater incentive to push for humane conditions in corrections facilities. But instead, today's prison engenders a fundamental division in society between people who are incarcerated and people who are not. This division is especially dangerous because there is some reason to believe that we are psychologically disposed to dehumanize groups in inferior positions of power already, as the infamous Stanford Prison Experiment suggested [19]. The prison should be constructed to counteract these dispositions, not encourage them.

What can be done? There is no room here to fully justify any policy proposals, but I hope the above analysis has suggested some steps. The US should eliminate or highly restrict the use of solitary confinement – both in respect to the maximum length of solitary sentences, and who can be placed in solitary (i.e. only those who pose an immediate and grave threat). It should provide all prisoners with the rights to vote, obtain full access to news about current events, and have extensive contact with non-prisoners as well as non-prison related activities, like educational classes. We must see

prisoners as people who have erred, not as outcasts from society. Finally, we must explore alternatives to traditional imprisonment, like low-security correc-

tional centers with opportunities for community interaction. The cornerstone of a good justice system is recognizing every individual's intrinsic worth. Through

isolating our prisoners, we risk not only devaluing them, but forgetting about them entirely.

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‘We Will Rise’

Ruth Mosser interviews a refugee in Austria and critically reflects on the 18 months of Refugee Protests in Austria.



Refugees in Austria have been protesting for their rights with a hitherto unseen force. Starting in November 2012, their protests became the largest self-organized refugee/non-citizen protests the country has ever witnessed. I met with refugee Salaheddine Najah to talk about the protests at Votiv

Park in Vienna – the place where the refugees and their supporters set up the “Refugee Protest Camp” after their inaugural protest march from Traiskirchen [1] to Vienna one and a half years ago.

Najah has been part of the movement since its very beginnings. He

is also a founding member of the music collective “Fight Rap Camp”, which won this year’s “Protestsong-contest” in February [2]. I wanted to know how he experiences the protests and assesses their development from their eruption until their recent fragmentation.

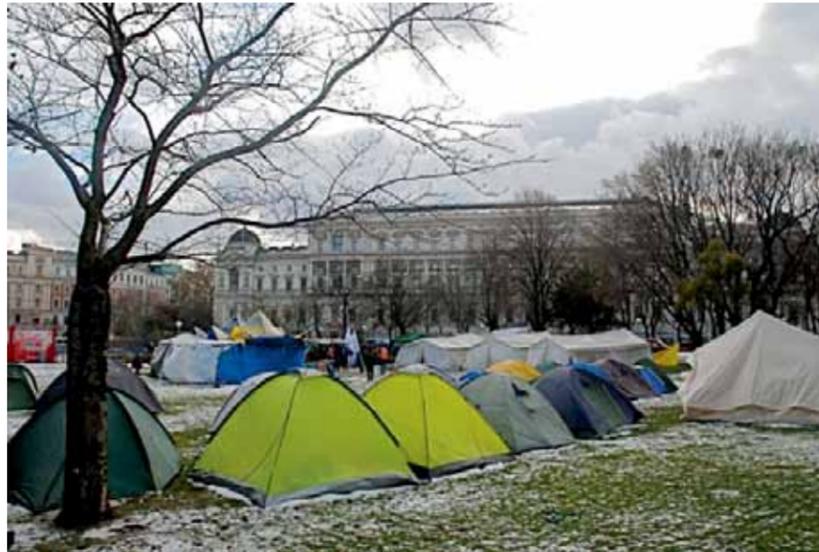
RUTH ORLI MOSSER: *What initiated the outbreak of the protests in the fall of 2012?*

SALAHEDDINE NAJAH[3]: The movement actually started in October 2012 when refugees from Somalia demonstrated against discriminatory asylum procedures in front of the Austrian parliament and also slept there to enforce their demands. Afterwards, activists from the Somali community and others came to mobilize the refugees in Traiskirchen.

We organized a demonstration: a march from Traiskirchen to Vienna. Because I grabbed a megaphone at this demonstration and spoke, the police deported me to another Lager [camp] in Klagenfurt [Southern Austria] two days afterwards. I stayed there for a week. I didn't like it. You are held like an animal there: you eat and you sleep, you eat and you sleep. There is nothing.

ROM: *For how long have you been in Austria?*

SN: I first came from Italy in 2009. I was in Traiskirchen for one month. After I got a negative decision [4], I went back to Italy. In 2012 I decided to come back because there were so many controls in Italy and I was also in custody pending deportation. It was the period of the government of Monti and Maroni. I went to Switzerland, but after three months in detention, I was deported to Austria because I had my first fingerprint there. [5] I came back to Traiskirchen on November 8th 2012.



PEOPLE POWER *Protest camps in Votiv Park* PHOTO Courtesy of the author

ROM: *How have the protests evolved until now? What has changed?*

SN: While we were living here at the camp in Votiv Park, the movement was very much alive. A lot of people were participating. We were 170 refugees in the beginning. When we had meetings, so many activists came: from the Turkish community, the African community, and so on. Everyone respected each other. The movement was our struggle. The majority of activists were immigrant activists and we demanded our rights. People supported us. But now, unfortunately, the movement has changed. Instead of supporting the refugees, people now support the activists.

ROM: *What do you mean by "activist"?*

SN: What is a "refugee activist"? I don't call myself a "refugee activist" and I don't like it when other people do so. I am a refugee not an activist. I don't have the power of an activist and I don't have the freedom of the Austrian society. Maybe

once I have documents people can call me "immigrant activist," but not "refugee activist". I prefer the term "supporter" to that of "activist" for those in the movement who aren't refugees themselves because it implies that they support the idea of the refugees. The supporters come to the demonstrations, they come and fight. Supporters slept with us in the camp in the winter when it was very, very cold. This is what I like. But the activists come just for activity, for work. We are a movement. It's not the same as party politics. But there were non-refugee people in the movement, political people [6], that changed the issue of the movement. As Austrians – and some of them also worked for government organizations – they didn't want to criticize Austria too harshly. But we, the refugees, just want to explain to the world, and especially to the Austrian community, what the system is like. Because we are its victims.

ROM: *I understand that you have a lot of criticism towards certain non-refugee/citizen activists in the movement, who tried to appropriate the refugees' struggle for their own agenda. I nevertheless do want to ask you if there is something you consider a success of the movement so far? What were important moments in the last eighteen months of protests?*

SN: [Thinks for a moment...]

The Refugee Protest Camp, the beginning. But occupying the Votiv Church [7] proved to be not such a good move because, in my opinion, certain people in the movement didn't understand the structure of the occupation. The idea was that we would also stay in the camp and in another house nearby, but the majority of the refugees wanted to stay in the Church for visibility, sometimes just their own visibility. I think this has destroyed the movement, but especially the press group has done a lot of harm. [The press] became the boss of the movement,

they decided on everything but didn't respect the different communities of refugees anymore. They focused on the Pakistani refugees and this was their biggest error.

People often say we are successful because there is so much more press coverage on refugee issues and rights now. But we don't have success. My friends from Pakistan being deported [5] is not a success for me. The biggest success for me would be if we had no racism in this country. Why is a person in prison, in Schubhaft [8]? Why is a person deported? Because this is racism.

ROM: *How can or should citizens support the movement and its demands?*

SN: The Austrian system is very stable. If people want to help, don't come to help the refugees, [start by] criticizing your own system. Don't just tell me "I don't like the system." This is not criticizing. Especially to members of political parties or politicians I say: "Don't only speak at demonstrations, speak inside the parliament. You are strong, you are a member of the parliament. Don't claim to support us for the sake of the election." Now, after the election [9] I never saw one politician come and help us. Nothing. We need radical activists and radical supporters. If a person wants change, they first need to change themselves. If you want to help, help yourself first. And then you can come and help us. Have emotion and heart, be strong. For the future of the movement I hope that we can stop nationalism and racism and respect all the communities. Only then we can have success.

For further information visit <http://refugeecampvienna.noblogs.org>

ENDNOTES

- [1] The small town of Traiskirchen is home to one of Austria's oldest and largest refugee reception centers, notorious for its bad living conditions.
- [2] A critical music event for protest songs initiated in 2004.
- [3] The following interview was transcribed and edited freely. The statements and opinions of the interviewed person were not changed in regards to their content. The interviewed person has approved of the print version.
- [4] He refers to a negative decision regarding his application for asylum.
- [5] Under the EU-wide Dublin II Regulations (2003) refugees can only seek asylum in the country they were first registered in, e. g. by having their fingerprints taken. Switzerland is a signatory to the Regulations since 2005. The abolition of the Dublin II Regulations is one of the central demands of the refugee movement.
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- [8] Custody before deportation.
- [9] Nationwide elections were held in September 2013.
- [10] Eight refugees from Pakistan, who were active in the protest movement in Vienna, were deported in summer 2013. Another eight Pakistani refugees from Vienna as well as other Austrian cities were deported to Lahore, Pakistan, in December 2013.

HUMAN RIGHTS INITIATIVE www.hrsi.ceu.hu • hrs@ceu.hu • Nador U. 9, 1051 Budapest
CENTRAL EUROPEAN UNIVERSITY www.ceu.hu
EDITORIAL vbhandaram@gmail.com • wgalexander.cooper@gmail.com • kusic.katarina@gmail.com

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