Human Rights

The Nobel Peace Prize winner who contributed to genocide

Modern Day Slavery

Without the right to have rights
This time it is fully dedicated to HUMAN RIGHTS: the rights we have for simply being humans, supposedly inherent to all of us without discrimination. Something you would think would be set in stone, however, they have been growing and evolving since their conception. What’s more, their application is constantly on the line. Sadly, this makes it possible to talk about the multiple violations of human rights.

In this issue you will be able to learn more about some of the infringements, for example the refugee status and its links with the duty to rescue in the French case or the Australian government policy. We also discuss foreign domestic workers, their fragile citizenship and the abuses they are subjected to, such as inhumane working hours.

You can read about violations of the right to a fair trial and some creative outcomes of it; the dubious status of disabled people as bearers of rights around the world and the treatment of homeless people in the UK. Also, the extents to which nationalisation of giving birth and bearing life in China has gotten to, exemplified by the changing of its one-child policy.

You will also be able to delve into reflections about the complex connection between the nation state and civil society; the relationship between human rights and climate change and an article about Aung San Suu Kyi and her status as a fallen human rights figure.

Lastly, and perfectly matching this season of the year, we have an interesting perspective on tradition and innovation, exemplified with the Dutch Sinterklaas and Black Pete.

Finally, we would like to thank Emma, who took over as Utblick’s graphic designer this fall and couldn’t have done a better job! Hope you have enjoyed this year of UTBLICK as much as we did putting the issues together!

We wish you happy holidays and pleasant reading,

The editors,
Moa Persson and Ariadna Carrascosa
In order to express empathy
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2018 in France; Pick Your Crime

By the end of December a French court is expected to deliver its ruling in a case held against seven people, all of them prosecut-
ed for “facilitating the unauthorized entry of
several migrants”. The official phrasing of the
charges may hint that these people are smugg-
glers, yet the reality is slightly different: they
were sent to trial for showing solidarity with
asylum seekers.

Last spring, the defendants participated in a protest
that gathered several hundred people at a pass in the
Alps called col de l’Echelle, in order to express empathy
towards refugees and demand a more humane treat-
ment by the authorities. The place, a two and a half hour
-drive east of Grenoble, was not chosen by accident. At
1,762 meters above sea level, it is the lowest pass in the
Western Alps, and therefore the most feasible way to
cross the border between Italy and France when you are
trying to avoid the border checkpoints. That’s the reason
why several thousand migrants have attempted to go
through this pass in recent years, leaving Italy and its
anti-refugee climate to try and reach France, where they
hope to have more chances when seeking asylum.
At the time the protest took place, in April 2018, 1,600
people had attempted the crossing during that winter,
the large majority of them ending up with frozen fingers
and feet, often irremediably damaged. Three dead
bodies had just been found in the pass area, although
the snow had not even totally melted yet, leaving locals

with the certainty that more corpses were still waiting
to be discovered – behind some rocks, at the bottom of
a cliff or maybe in the Durance river. During the court
hearings in November, one of the defendants put it
clearly: “We simply won’t let our mountains become a
graveyard,” referring to the Mediterranean which has
now become one of another magnitude.
But the protest itself did not aim at helping anyone
enter France, it was organized by locals and small
NGOs operating in the area to act as a wake-up call for
the authorities. It just so happened that a few asylum
seekers were present during the demonstration, mixing
with the crowd as they crossed the border, before being
arrested at a police checkpoint down in the valley. The
seven people charged with “facilitating unauthorized
entries” seem to have been randomly identified among
the hundreds of protesters, according to what was said
during court hearings.

“We simply won’t let our mountains become a graveyard”

The trial is not the only one of this kind. In Novem-
ber 2017, a farmer, Cédric Herrou, had been sentenced to
a suspended four-month prison sentence for assisting
someone who is already on French soil, hence exclud-
ing assistance during a border crossing. Similarly, if the
action is considered by the prosecutor as “activism” and
not as the act of an average individual, the exemption is
not valid and charges will be pressed.

A confederation of lawyers’ unions, the European
Democratic Lawyers, denounced France for increasing
the criminalization of solidarity with asylum seekers.
The EDL has noticed a similar tendency in several other
European states, including Italy, Belgium, and Hunga-
ry. Last June, French president Emmanuel Macron had
been harsh on Italy, precisely after they refused to
harbor the Aquarius ship that had rescued 629 refugees in
the Mediterranean. Macron had criticized the “ cyni-
cism” and “irresponsibility” of Italy, failing to mention
that of his own state.

In the French Alps as it turns out, the effort to discour-
age citizens from helping asylum seekers does not
prove successful. Most of the locals face these people’s
distress regularly, and are astonished by the attitude of the
authorities. In a feature published in French maga-
zine Télérama, Léna, a young volunteer, highlighted the
irony of the situation: “If you don’t help, the criminal code calls it failing to
assist a person in danger. If you do help, then it’s facil-
tating unauthorized immigration”. Her conclusion says it
all: “Well, I picked my crime!”
In 2001, when the captain of the Norwegian freight ship Tampa rescued 433 asylum seekers fleeing from Afghanistan he couldn’t possibly have imagined the state of affairs 17 years later. The ship’s captain picked up the asylum seekers in international waters between Australia and Indonesia. Stating the ship was not set up for supporting the 433 new passengers, just its 27 crew, he continued on his path for Australia. Australia refused the vessel entry and threatened the captain with prosecution should he continue, emphasising that the rescue took place out of their search and rescue area.

Five days later the captain declared a state of emergency as he feared for the health of those he had rescued, and headed into Australian territorial waters. Not being able to ignore the situation any longer Australia formed an agreement with Papua New Guinea and the world’s smallest island country, Nauru. “The Pacific Solution” was established to host those rescued in provisional processing centres offshore, while their asylum applications for Australia were being reviewed. This was the beginning of Australia’s now long running and widely criticised practice of offshore detention of asylum seekers in processing centres.

One of these Prime Ministers, Kevin Rudd closed the facilities in 2007 after being elected on a campaign that constantly opposed offshore processing. When Rudd returned to power in 2013 the centres had been re-opened by his predecessor. Instead of shutting the centres down again, Rudd did a full turn and created a policy completely unique to Australia. A policy that means any refugee or asylum seeker arriving by boat without a visa would be sent directly to an offshore detention facility. Rudd also initially said that anyone arriving in this way would be ineligible for asylum.

Earlier this month the government committed to removing all children from Nauru by the end of the year, children and complete family units have since been moved off of the island to Australia at an accelerated rate. It would appear that the Australian government is finally responding to the outcries of mistreatment from within their country and around the world. However this is not the case, as Peter Dutton (Home Affairs Minister) was quoted in The Guardian in November of this year as saying the removals are “designed to save money, not to respond to humanitarian concerns about the health of children.”

Australia has been offered help in resettling the refugees from other countries. New Zealand has offered to help by accepting 150 asylum seekers each year. However, the current Prime Minister and Dutton have said they will not sign an agreement until conditions are put in place to make sure there is no option for backdoor entry into Australia, once the asylum seekers have been settled in New Zealand. They have also not made the most of an agreement struck with America during the Obama administration. Which would see the US rehome 1200 refugees from the processing centres if Australia makes a more concerted effort in accepting refugees from different geographical regions, such as Africa. The widely publicised, continued mistreatment of refugees in these processing centres has resulted in the United Nations condemning Australia’s practices and questioning their upholding of human rights. Whether the government decides to listen to these criticisms and change their approach toward refugees is yet to be seen.

“...”

The centre set up on Nauru by Australia...

“...”

Aerial view of Nauru, June 1999 Nauru
Photo: Courtesy of U.S. Department of Energy’s Atmospheric Radiation Measurement Program via Wikimedia Commons

A policy that means any refugee or asylum seeker arriving by boat without a visa would be sent directly to an offshore detention facility...

Lewis Day

College: Emma Hansson
Elements created by Freepik

Nauru, Papua New Guinea & Australia
A RELATIONSHIP OF OFFSHORE PROCESSING
The abuse is usually not just physical, mental abuse is also rampant. There have been reports of employers restricting the movements of domestic workers, not allowing them to own mobile phones or communicate with their families back home. The lack of basic and equal human rights is also rather common. Mistreatment of these women is also rather common. Multiple organisations, both national and international, such as the International Labour Organisation and Human Rights Watch have made numerous reports on domestic workers being abused physically and mentally, deprived of food and days off. There have also been cases where domestic workers die from the abuse that they have suffered through. The death of Joanna Demafelis this year is one such example. She was a domestic worker from the Philippines who was working in Kuwait.

Domestic workers as property

In some countries, employers who choose to hire domestic workers to live and work in their homes have to pay a levy to government bodies in the respective countries. For example, Singaporean employers pay an amount equivalent to about 170 euros every month to the Ministry of Manpower. These levies act as a form of ‘license’ that allows employers to hire the domestic workers. In turn, allows the employers to perceive their domestic workers as property. They have in essence paid for them and now they ‘own’ them and the workers should do as they say.

What is worse, it is also common to see the state get involved in further exacerbating the lack of equality of treatment of these domestic workers.

Lack of basic and equal human rights

It is clear that these domestic workers lack basic human rights, both in their working conditions and general everyday life. What is worse, it is also common to see the state get involved in further exacerbating the lack of equality of treatment of these domestic workers. For example in Singapore, foreign domestic workers enter the country on a different working visa or permit than other foreigners who are also entering the country for work. And with these different visas, come different privileges. While most foreigners have the option to apply for permanent residency and citizenship after living in the countries for a certain amount of years, this privilege is not extended to the domestic workers. If there contract with their employer was to expire they would have to return to their country of origin regardless of the amount of time they spent working in the foreign country. This situation is not unique to Singapore. Most countries in Asia and the Middle East have similar policies.

With the current trends worldwide towards aging populations and smaller families, we can see how the demand for domestic workers and domestic help in general would continue to increase. And this is why it is imperative that measures are taken to ensure that safe and healthy environments are created for these domestic workers. Where they are treated fairly, equally and given compensation that matches the amount of work that they do. Countries that do not do this should be pressured into changing their practices to take all of these issues into account.
A woman woke up next to her stillborn aborted at the 7th month of pregnancy. This is a gruesome picture that none of us would want to stare at for an extra second, but it is what Feng Jianmei has to live with for the rest of her life.

When 15 staff from the Population Family Planning Commission (PFPC) showed up on her doorstep to force her to the hospital for an abortion, Feng tried to escape from her village. Captured after 3 days on the run, she was blindfolded and held down while being forcibly injected with abortifacient. She was not able to pay for the RMB40,000 (~USD5,800) fine, namely the “social support fee”, required by PFPC for violating the one-child policy.

The incident infuriated the public in 2012. But sadly, she was merely one of the millions of women impacted by China’s birth control policy.

From 1980 to 2012, 295 million cases of abortions were recorded in the annual report of health statistics in China in 2013. Despite considerable voluntary abortion procedures, most of the abortions were forced by PFPC against the backdrop of the one-child policy.

Things took a dramatic turn in 2016 when China decided to change to the two-child policy as an attempt to tackle the ageing crisis.

Things took a dramatic turn in 2016 when China decided to change to the two-child policy as an attempt to tackle the ageing crisis. One-fourth of China’s population is projected to be over 60 years old by 2030. However, the new policy was not met with great enthusiasm, with newborns in 2017 decreasing by 880,000 from 2016.

Faced with the high cost of education, housing and healthcare, many young couples are reluctant to give birth to begin with, not to mention having two kids. On top of the economic concerns, food safety and pollution are two huge issues that suppress people’s willingness to have children. The milk powder scandal in 2008 revealed that more than 20 percent of dairy companies in China sold dairy products containing toxic chemicals. With limited milk supply in China, some dairy producers resorted to diluting milk with water to increase the volume. By adding Melamine, a toxic industrial chemical into the milk, the protein concentration can be boosted and unlawful dilution acts can be concealed. As a result, more than 300,000 infants were diagnosed with kidney stones. A survey from CCTV shows that 10 years after the incident, 70 percent of the Chinese consumers today still don’t dare to purchase Chinese dairy products.

Furthermore, air pollution accounts for 1.6 million deaths in China annually. With the heavy smog, many children have to spend most of their time indoors and wear masks wherever they go. People question if that is the kind of environment they would like to see their children grow up in.

Prejudice in the workplace also hinders women’s willingness to give birth. More often than not, female job applicants’ chances of employment are associated with their marital status and birth giving plans. Women are seen as risks by many employers. Those who are yet to give birth are labelled as “a ticking bomb” for thoughts that; they will ask for maternity leave in the future; women with one child might also have a second child anytime; those with two children are regarded as “not having the energy to work” said Qian Yue, an experienced HR professional during an interview with China News in 2017 about workplace prejudice.

To combat the low birth rate, PFPC in Jiangxi Province issued a new policy in June that approval from three doctors is required to terminate a pregnancy for medical reasons. Abortion for non-medical reason needs to be approved by the local PFPC. The difficulty of obtaining the approval remains to be seen.

Associated with the new birth policy, the court in China recently imposed a “cooling-off period” in the new Civil Code which stip-
ulates that couples need to wait a month before their divorce requests can proceed as an attempt to delay divorces.

People's Daily, the official newspaper of Chinese Communist Party, published an article in August this year headlined “Giving birth is not a family matter but also a national matter.” In other words, your womb is not really yours but also the state’s. But is raising a child a family issue or a national matter?

Furthermore, Xin Hua Daily, the official news agency in Jiangsu, proposed a birth-giving fund in a recent article. According to the proposal, citizens under 40 years old are required to pay a percentage of their salary to the fund. The fund can only be withdrawn when the citizen has conceived a second child. For those not having a second child, the fund is only collectable upon retirement. Despite triggering a backlash of criticism among the public, many scholars consider deducting the fund from salary as a punishment for people unwilling to have kids, which violates basic human rights.

One child policy was imposed in 1979 to control the population growth. 39 years later, China's birth policy has shifted from one extreme to another. From forced abortion and sterilization to today's aggressive encouragement of birth, one thing remains unchanged: women are still objectified as reproductive machines.

According to demographers, the decline of birthrate is a natural consequence of modernization. Providing subsidies as encouragement hardly changes people's mindset. What the government can do is to provide a better social environment where families would want to give birth.

"The government can’t control what happens in the bedrooms.” wrote a reader in the comments of the birth-giving fund news on Chinese microblog Weibo. “Definitely not in such [an] arbitrary way.”
Without The Right TO HAVE RIGHTS

Human rights are proclaimed to be universal, yet are in practice tied to citizenship. In the nation state system the state is first and foremost responsible for its citizens, and national sovereignty is the utmost border of authority. In consequence, refugees are trapped in a limbo where they are bearers of universal rights, while it is difficult to hold any state responsible for the fulfilment of their rights.

Being stateless or undocumented means being denied civil rights, and in consequence “the right to have rights” itself, as put by political theorist Hannah Arendt. In her book The Origins of Totalitarianism, Arendt argues that the treatment of refugees proves that human rights are in fact non-existent. Within the nation state system, there can only be civil rights.

When the states turn the blind eye, we count on civil society to fill these gaps, to provide for people what the state will not. During the so-called refugee crisis of 2015, we saw incredible and fast mobilisation by civil society in Sweden. Civil society mobilised to fulfil the acute needs of food, health checks and housing. People volunteered in language cafés, became mentors and opened up their homes. For many people, civil society could provide at least some relief.

Due to the ever more repressive and militarised migration politics of Fort Europe, fewer people reach Sweden now. Still, the needs persist and the situation is not less serious, especially for those who have gotten their applications for asylum rejected. Meanwhile, the public engagement has definitely slowed down since then. Organisations struggle to draw the same participation. The ebbs and tides of voluntary engagement is one of the reasons why civil society organisations cannot guarantee equal access of basic social needs. Relying on state funding also implies limitations. Generally, the Swedish state has been more keen on sponsoring social projects, than programmes focusing on food distribution, for example. The organisations and activist networks that support asylum seekers and undocumented refugees only reach a fraction of the people in need. Poverty and homelessness is widespread beyond the capabilities of civil society – redistributive measures are necessary.

In 2010, it was estimated that between 10,000 and 35,000 people live undocumented in Sweden. With more restrictive asylum policies in place, many more will face this situation in the coming years. The Migration Board predicts that around 30,000 persons will enter clandestinity in the coming years. This means a growing number of people will be left with a bare minimum of rights, easily exploited on the labor market, excluded from social security systems, and under constant threat of deportation. Neither the civil society or personal networks can completely remedy this “lack of rights to rights” faced by this group. However, through organisations, labour unions, and cities we can push the state to expand citizenship.

The current political opportunities are undeniably grim, but it was not long ago that reforms that effectively expanded the notion of who can be a bearer of rights were adopted by the Swedish parliament. In 2013, after long-term efforts of the civil society and social movements, undocumented refugees were granted the right to health care that cannot wait. Undocumented children’s right to education became law that same year. In the following years several cities agreed to grant social security to families regardless of their citizen status. The researcher Nikita Dhawan argues, the importance of the state for those in the most vulnerable situations should not be underestimated.

As Nikita Dhawan argues, “the importance of the state for those in the most vulnerable situations should not be underestimated. Inhabitants regardless of citizenship, is not an impossible political goal. Rights are not everything, but as Dhawan remarks in her 2013 article The Empire proxy back, “even if the law does not guarantee justice, one cannot not want rights.” Until the principle of “each to their ability, each to their need” is realized, every small step toward universality of rights matter.
Aung San Suu Kyi

- The Nobel Peace Prize Winner

Who Contributed to a Genocide

Moa Persson

Was the world wrong about Aung San Suu Kyi? She has been referred to as The Lady, The Iron Orchid and Mother Suu and has been seen as a democratic freedom fighter in Burma. A Nobel peace prize winner, seen as the democratic hope of a peaceful, democratic Burma, is now accused of contributing to the humanitarian crisis of the ethnic minority group Rohingya. Who have been forced to flee from the country’s military violence.

The honeymoon for Aung San Suu Kyi has ended and her popularity in her own country and the rest of the world has crumbled. She is now no longer a symbol of peace, but instead she has become a figure that is an apparent indifference to the humanity crisis that has forced the ethnic minority Rohingyas to flee into refugee camps in Bangladesh. The crisis started in August 2017 with the Burmese military burning down Rohingya houses and forcing them to flee for their lives. The UN called the abuse from the Burmese military “a school book example of genocide”.

The tensions between the ethnic minority and the Burmese military are not new. This is something that the country’s military regime has been criticised for multiple times in the past. Suu Kyi said in a speech in New York in 2012, that if something very serious were to happen to an ethnic minority group in her country she would take action against it and condemn it. This speech made many people upset, especially those in the Kachin state who have been experiencing decades of armed conflict. By always talking broadly about democracy and human rights, she has made sure that she has always had the international community supporting her cause. And by talking in general terms she has successfully avoided stirring up major conflicts. In that sense many people believe that she has been more of a spiritual leader than an actual politician.

Aung San Suu Kyi received the Norwegian Nobel Peace Prize in 1991 after being under house arrest since returning to Myanmar two years earlier. She was granted the nobel peace prize because of her non-violent fight for democracy in Burma. The committee’s reasoning for awarding the prize was “Suu Kyi’s struggle is one of the most extraordinary examples of civil courage in Asia in recent decades. She has become an important symbol in the struggle against oppression” and also “for her unflagging efforts and to show its support for the many people throughout the world who are striving to attain democracy, human rights and ethnic conciliation by peaceful means”.

In November of this year Amnesty International took away the title of “Ambassador of Conscience” which they bestowed upon Suu Kyi in 2009. Saying that they were profoundly dismayed that she “no longer represent[s] a symbol of hope, courage and the unyielding defence of human rights”.

Was she just a symbol made by the West for a liberal democracy in the East?

This is a good example of the battle between East and West. Before, the military regime in Burma has been supported by countries such as China, white the western world gave their moral support to Aung San Suu Kyi and the democratic opposition of her party National League for Democracy. Was she just a symbol made by the West for a liberal democracy in the East?

The recent attacks against Rohingyas are something that should warrant action from the State Counselor, Aung San Suu Kyi. Something she has consistently avoided but has been called out by her people for and other international organisations such as Amnesty International and Human Rights Watch. Nowadays, no one would refer to her as the peace and human rights figure she was considered to be 27 years ago. Since taking power, aside from ignoring the Rohingya crisis, Suu Kyi and her NLD government have also faced criticism for prosecuting journalists and activists using old colonial-era laws in order to control what the press will write about the Rohingya crisis.

Many voters voted for NLD because they believed in a democratic change. This is something that many people feel has not been delivered on. The iron lady as the former democratic symbol of Burma has lost all her status as a human rights fighter and is now seen as a contributor to a genocide.

The UN called the abuse from the Burmese military “a school book example of genocide”
Det behövs så mycket envishet, målmedvetenhet och ett "fake it until your make it" självförtroende. Du kommer att få göra så mycket tråkiga jobb i ett antal år innan du hamnar där du vill vara.

USA är ett så stort land fullt av spännande människor med spännande synpunkter.

WARNING:

ACTION, INACTION
CLIMATE CHANGE
We are already seeing the consequences of 1°C of global warming. The sea levels are rising and posing a threat of displacement to people living in low lying coastal areas, deltas such as Bangladesh and in small islands like Kiribati and Tuvalu. The islanders in Carteret island were the first environmental refugees back in 2009.

Moreover, the increase in ocean temperatures, ocean acidity and the decrease in ocean oxygen levels have already lead to a diminishing of the Arctic sea ice and coral reefs. Increase in temperature also results in more heat waves, which is a very deadly phenomena. But it also leads to health problems, wildfires and loss of crops, all intertwined. For instance, the wildfire in California last year emitted “a year’s worth of car pollution in less than a week” according to NBC News.

These are just a very few examples of the impact of climate change, yet the right to a healthy environment is not recognised by the UN. Instead, the institution has so far opted for a recognition of the risks that climate change poses to human rights such as the rights to life, water and sanitation, food, health and an adequate standard of living.

The UN also recognises the uneven distribution of who is affected by climate change the most, namely vulnerable people that have historically contributed the least to greenhouse gas emissions, usually referred to as climate justice. This calls for a special emphasis on the poor, the marginalised and ethnic groups and indigenous people but also on children and women. Calls for direct action on these groups but also to make them participants and key players on the solutions.

But it is no surprise that despite all these claims, there is a rampant lack of accountability and possibility of enforcement. Climate change action is still generally depicted as majorly an individual matter and choice, and in this sense, as a consumer matter. This is questionable to say the least, as it is estimated that just 90 firms are responsible for two-thirds of all emissions according to an article published in the Guardian in 2013. But we still find a lot of climate change action movements focusing on bottom-up initiatives such as recycling, changing eating habits, buying organic and sustainable products, or even divestment. This last one is the opposite of investment, and works as a form of boycott that originated during the apartheid but was taken to the climate sphere by May Boeve, according to the podcast “Mothers of Invention”. This technique has now entered the government field thanks to London’s and New York’s mayors that have adopted this practice and made an open call to all cities this September to divest their public pensions and other assets from fossil fuels.

But still, a formal recognition of a right to a clean environment would broadly help strengthen the efforts to fight climate change. And John Knox, the previous UN special rapporteur on human rights and the environment, thought we were prepared for it and made a call for it. This is more important as climate change is becoming a matter of even more concern since Trump withdrew from the Paris Agreement, and also since the IPCC report was published in October stating the big differences between keeping an increase of 1.5°C compared to 2°C, which is the umbrella considered in the Paris Agreement. And even more with Bolsonaro’s claim to deregulate the deforestation of the Amazon, just to name a few.

The recognition of the right to a clean environment would also strengthen the positions of environmental activists and protect them against murders, beatings and intimidation. It would also impact climate displaced people, potentially giving them some legal instrument to protect their rights.

In this regard, there is an interesting strategy that seems to be taking over and could well benefit from the human right recognition: International climate litigation. The first big case was the Urgenda case in the Netherlands, in which the association running for the same name took the Dutch State to court on the basis that the state has a legal duty to ensure the protection of the life and family life of citizens, also in the long term, which leads to the Dutch State having to ensure its international commitments such as reducing the emission of greenhouse gases by at least 25 percent by the end of 2020 compared to the level of 1990. Since then, there are many other examples of lawsuits all over the world against state policies or specific projects that are in conflict with tackling climate change. South Africa lost a lawsuit against its plans to build a coal-fired power station, on the basis that it needed a previous evaluation of the climate change impacts of such endeavour. Austria has been blocked to expand Vienna’s International airport due to the fact that it would generate more carbon emissions than what Austria can generate in order to follow the country’s commitments to fight climate change. A court in Pakistan ruled that the country’s inadequate climate policies meant a direct threat to a farmer’s rights to life and dignity.

This brings a bit of hope but despite all of these strategies, we have to remember that climate change is still an issue now and that it needs as many actions to fight it as possible. Renewable energy, divestment, climate litigation... The IPCC in its last report in October stated that these measures are not enough and we also need Carbon Dioxide Removal techniques. For instance, it mentioned the need for the creation of forests, carbon sequestration and also for geoengineering. But some of these measures can have disadvantages. So regardless of what we do, we need to be wary of the actions we take so we do not to end up being counterproductive.
How a Lawyer Used Donkey Poetry to Criticise Tajikistan’s Legal System

Malva Bark

Having the right to a fair trial and free speech is as profound a human right as ever. The important issue has been described through history with both poetry and literature. Shakespeare writes in Henry VI: “First thing we do, let’s kill all the lawyers!”. The perception of the profession has since then shifted in most countries, but human rights lawyers are still taking huge risks when protecting the rights of government critics. According to the International Association of People’s Lawyers, the profession is under attack in multiple states with human rights lawyers being prosecuted for doing their job.

In Tajikistan a lawyer used creative measures to fight for justice. As he was prosecuted by the government he managed to find a creative way to highlight the problems surrounding the country’s issues concerning justice and freedom of speech through citing literature and poetry. A petition has recently been sent in by the UN to put pressure on the Tajik government to release him, as his sentence marked two years in October this year. Lawyer Buzurgmehr Yorov has been labelled one of Tajikistan’s most prominent human rights defenders.

Practicing since 1997, he has been targeted by the Tajik government several times for doing his job. In the small Central Asian country he has taken on cases based on politically motivated charges throughout the years. But his work was abruptly put on hold in 2016.

With these ignorant few who foolishly Consider themselves the intelligent ones of the world Should be donkeys, because they are so deep in donkeyness That they call “blasphemous” whomever is not a donkey

Activists linked to the Islamic Renaissance Party of Tajikistan, got Yorov arrested for simply defending his clients. Among other accusations, he was charged with ‘incitement to national, racial, local or religious violence’. When prosecuted in October the same year he was, in addition to this sentence, found guilty of “public calls to a violent change of the constitutional order” and “public calls to conduct extremist activity”. Later, another two years were added to his sentence, making it a total of 25 years imprisonment after he cited poetry during his trial. It was Yorov’s citing of the poet Omar Khayyam that added two years to his sentence for “insulting a government official” during his own hearing. The 11th century poem approximately translates to:

“With these ignorant few who foolishly Consider themselves the intelligent ones of the world Should be donkeys, because they are so deep in donkeyness That they call “blasphemous” whomever is not a donkey”

Although it got him a long sentence in a country where prison conditions are rough, his use of poetry to describe the legal system cannot be seen as anything less than creative and necessary. After the secular People’s Democratic Party of Tajikistan’s victory over the Islamic Renaissance Party the government took its power further. Human rights are under attack, with not only secular control over religious expression increasing but also freedom of speech being undermined. The secular government’s control over the population has led to human rights defenders, such as Yorov, being particularly subject to getting charged. The rules in Tajikistan fiercely narrow authority criticism as they target government critics. As free speech is limited, it has resulted in more creative way of criticising the government.

Poetry as a way of criticising the government has been used by lawyers before. Kurdish lawyer and poet Dildar wrote the national anthem of Kurdistan “Ey Reqib” during his imprisonment. A lawyer and political activist fighting for the Kurdish people’s rights, he was sent to prison for his activism. Although Yorov cited poetry instead of writing like Dildar did, imprisoned lawyers using poetry seems to be an effective way to get a message sent out to the public. It connects people and highlights feelings of injustice. It can also make the international community act when government control becomes more visible. When laws target individuals and fail to support the people, art gives individuals the ability to question in a more subtle, creative way by citing or writing.

Medieval law historian Professor Karl Shoemaker describes how he came across a large number of medieval texts describing a mock trial between Satan and the Virgin Mary in an interview with Forbes Magazine. He explains how literature portrayed how the pure existence of a rule did not result in justice. In these texts Satan always propagates for a strict application of the rules, even if they do not lead to justice and might be unjust in their pure existence. The conclusion Shoemaker draws in is that people during the Middle Ages saw what we see today: that legal traditions must be prevented from leading to abuse of human rights and oppression of political enemies.

Although these medieval texts and Khayyam’s poetry derive from different parts of the world and were made hundreds of years apart from each other they tell us something important. Literature and poetry always plays an important role in criticising the government’s use of law. In Yorov’s case it shows how freedom of speech can highlight rights and the importance of human rights lawyers when it comes to questioning the power. It shows how poetry and the written word is a tool for justice when powerful governments are trying to seize control of its citizens right to speak up.
Marginalised groups are being listened to and included in the conversation more and more. Scotland just introduced the first LGBTQ inclusive curriculum, Black Lives Matter in the US or the Women’s March in several countries show increased support for marginalised rights. Yet, despite being one billion people worldwide, 15 percent of the total population, disabled people are still mostly absent from the discourse, whether in activist circles or in the general population.

They are underrepresented in parliaments everywhere. In the French National Assembly, out of 577 MPs, only one has a disability. According to the National Council for Independent Living, the newly elected US House of Representatives is made up of only two percent of disabled people.

Despite being one billion people worldwide, disabled people are still mostly absent from the discourse, whether in activist circles or in the general population.

Signed between 1981 and 1995, declarations, programmes, principles, and rules made up - until recently - the totality of international texts on disability rights. However, the first legally binding treaty was adopted in 2006, the Convention on the Rights of Persons with Disabilities. An Optional Protocol was also adopted by 92 states, it enables individuals to bring petitions for breach of their rights or grave violations of the Convention. The Convention is supposed to protect the rights of disabled individuals and 175 states, including the EU, are parties to it. Still, many states are not respecting the Convention they signed and ratified, including all of the states mentioned below as examples.

All around the world, people with intellectual or psychosocial disabilities are placed into institutions where decisions in their life, such as living arrangements or health care, are taken by guardians, with no choice given to that person. They usually cannot challenge the decision in front of a judge, except with the agreement of their guardian. This is the case in Croatia where the law has been criticised by civil society groups, the country's ombudsman, and the United Nations Committee on the Rights of People With Disabilities. But also in Brazil, where, according to Human Rights Watch, the conditions in institutions are appalling. They are tied to their beds, given sedatives, crammed into rooms, children receive very little education, and sometimes have to share even clothes. Even if not institutionalised, they often lose their rights to study, work, or marry as is the case of Kazakhstan, as reported by Amnesty International.

People with intellectual or psychosocial disabilities are placed into institutions where decisions in their life, such as living arrangements or health care, are taken by guardians, with no choice given to that person.

Other issues of disability rights include laws discriminating against disabled people. Such as those in the UK, which resulted in disabled individuals being more likely to live in poverty than non-disabled people. Moreover, as reported by the UN Department for Work and Pensions, a policy forcing disabled people to work led to 2,380 deaths between 2011 and 2014. The UN Committee called out The UK in 2017 for being in breach of the Convention.

Furthermore, according to several reports by Human Rights Watch, medical treatments are carried out on disabled people without their explicit consent. To add to this, roads, public transportation, and buildings are often inaccessible. Out of the 16 metro lines in Paris, only one is fully accessible. Progress is slow. In France, according to France Culture, 85 percent of people lose their voting rights after being put under guardianship. The French government finally decided in October 2018 on measures to authorise people under guardianship to vote, marry, and divorce without needing authorisation from a judge. This will come into effect by 2020, representing 300,000 adults in the country who will be able to access their rights again. Similarly, Peru passed a law in October 2018 which recognised the full legal capacity and right of disabled people to make decisions for themselves. They will also be able to access support when making important decisions, instead of having someone else deciding on their behalf.

Disabled people make up a sizable portion of the world population, and of each country individually. Yet, too many disabled people still have no access to their rights, live in poverty, or cannot access services due to their disability. US-based Disability Rights Education & Defense Fund noted that representation in media of people with disabilities is still absent. Along with an under-reporting of situations such as those mentioned above. Without this representation and reporting, it will be more difficult for everyone to realise that there is still much needed work to be done to ensure that everyone’s human rights are respected. And even more so if one includes intersectional issues of gender, race, sexuality, or class.

"People with intellectual or psychosocial disabilities are placed into institutions where decisions in their life, such as living arrangements or health care, are taken by guardians, with no choice given to that person.

"International. Even at the international level, the Council of Europe has been discussing since 2011 a Protocol encouraging the institutionalisation of people against their will. To this day, Bulgaria is the only country out of 47 opposing it.

Alix Gaboude

More than 1500 babies are born with a birth defect, this baby could be one of them. October 2017 in Aracaju, Brazil. Photo by Sofia Nascimento via Unsplash.

Photo by Alessandro via Unsplash

"Neglected Minority"

Photo by Sofia Nascimento via Unsplash

One of them. October 2017 in Aracaju, Brazil.

More than one of 50 babies are born with a birth defect, this baby could be one of them. October 2017 in Aracaju, Brazil. Photo by Sofia Nascimento via Unsplash.

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"One of them. October 2017 in Aracaju, Brazil. More than one of 50 babies are born with a birth defect, this baby could be one of them."
Let’s see if you can guess the country described. Fourteen million people, a fifth of the population live in poverty. Four million of them are more than halfway below the poverty line and 1.5 million are destitute, unable to afford basic essentials. The Institute for Fiscal Studies predicts a rise in child poverty between 2015 and 2022 and various sources predict child poverty rates will rise as high as forty percent. It is the world’s fifth largest economy and contains many areas of immense wealth, yet rough sleeping is up by 134 percent.

The country is the United Kingdom and this information is from a Special report on extreme poverty and human rights, released by the United nations in early November this year.

Despite the government pledging £500 million to tackle homelessness in 2017, the UN report shows that nothing has been done in regard to investment. Following numerous reports, one thing has become clear: local councils have been using a method to tackle the number of homeless people on their streets, known as ‘Travel Warrants’.

"Travel Warrants" system or plan once they arrive.

Rick Henderson, Chief Executive of Homeless Link, an umbrella group working with rough sleepers, stated to the Independent that “Simply displacing rough sleepers without offering support is not solving the issue, and at worst can exacerbate their situation. Leaving them isolated and at risk of deteriorating physical and mental health.”

As mentioned in the UN Report, rough sleeping in the UK is up by 134 percent since 2010. Unsurprisingly, this significant influx coincides with the Conservative Government’s introduction to the ‘Age of Austerity’. The report goes on to say that although the UK’s most charitable groups, think tanks and parliamentary committees have all drawn attention to the dramatic decline in the fortunes of the least well off in the country, one actor stubbornly resists in seeing the situation for what it is. The Conservative Government. Who remain determined in a state of denial. This is unsurprising when you look at this ‘out of sight, out of mind’ policy in the vain of ‘reconnection’, which is said to have cost local councils thousands, with no visible benefits for those at the most risk.

The ‘Homeless Reduction Act’, which was brought in earlier this year was the ‘most ambitious legislative reform for decades’ according to the UK Government. The legislation means that local authorities will have a legal duty to provide meaningful support to those who are classified as homeless. Yet critics state that spiralling rent prices, welfare reforms and council funding cuts will undermine this, as it is simply ‘too little too late’.

Charity organisation Shelter, has also set out possible consequences of this legislation such as: gatekeeping of services, repeat homelessness and increased out of area moves. The latter of which is a direct result of ‘Reconnection Policies’.

Daniel Mckenna

Simply displacing rough sleepers without offering support is not solving the issue, and at worst can exacerbate their situation.

The effects of Government imposed austerity can be seen clearly in the numbers of people who are classified as ‘rough sleepers’ since 2010. Despite all the pledges by the Government to tackle homelessness, the UN report, if anything, was a huge wake up call for Theresa May’s Government. With homelessness on the rise and these methods of simply moving people from one place to another being described as “social cleansing” by one charity volunteer said to the BBC. It has to be asked as to what will happen to those who are already homeless and those who are headed that way.

The right to adequate housing is recognised as a human right by the UN, of which the UK is a signatory. The report also states that if the European Charter of Fundamental Rights becomes no longer applicable in the UK, the level of human rights protections enjoyed by the population will be significantly diminished.

The Conservative Government’s Austerity policies continue to cripple its own people. Homeless mortality rates are soaring, local councils are treating homeless people as a bad statistic which should be someone else’s problem, and the security of human rights laws will be under threat following the UK’s departure from the EU.

It is not surprising that the UN has now intervened.

The Bureau of Investigation, found that more than 440 homeless people had died on the streets or in temporary accommodation in the last year people had died on the streets or in temporary accommodation in the last year. The average age being 49 for men and 53 for women, with some lying dead for months before being discovered. They state that these were likely due to an understatement of the true figure, as there is no official organization in the UK counting homeless deaths in 2018.

With all this in mind, it has to be asked. As soon as Brexit becomes a reality in the UK, what will that mean in regards to human rights in Britain?
‘THE BLOCKADE-FRISIANS’

Why a Group of Dutch Men Took the Right in Their Own Hands to Prevent a Demonstration

Freyan Bosma

Rain falls on the asphalt. Wind is blowing over the cars. It feels colder than the actual temperature is stating. A Saturday afternoon, November 2017, in Friesland, the Northern part of The Netherlands. Three busses from Amsterdam are on their way to the small Frisian town of Dokkum. They cross meadows, farms and villages. And then, the first bus suddenly stops. A white car is blocking the road before the bus. Immediately, another car pulls up. And another car. And a tractor.

Welcome to The Netherlands. Just like every country, the Dutch have some traditions. One of them is Sinterklaas - a kind of Santa Claus. He rides a grey horse and hands out toys, “cultural policies have failed to accommodate differences, ‘cultural policies have been successful in building nations. But in creating enemies are part of ‘us’. But this isn’t reality, writes Ulrick Beck in his research article The cosmopolitan society and his enemies. “The world has become cosmopolitan-ized. The cosmopolitan society and his enemies. ‘Cultural policies have been successful in building nations. But in creating national unity through uniformity’. De Beukelaer continues, ‘cultural policies have failed to accommodate difference and disagreement’. He thinks it is time to move away from this concept and go over to a cosmopolitan policy which respects ‘strangers’ with different values and thoughts. Dutch writer Joost de Vries underlines this in a comment in The Guardian in November 2018. “More than the left versus the right, this is a question of being able and self-confident enough to cope with change, or being so insecure that you want to cling on to the past, because the future is a jump into the unknown.”

Back to Friesland, a square somewhere in Leeuwarden, the regional capital city. Several men are dressed up with Frisian flags and wooden clogs, they sing the ‘national’ Frisian anthem in the local Frisian language. These are the 34 men and women who blocked the road. In November 2018, the court of Leeuwarden charged them with obstructing the right to free protest. Hundreds of local Frisians came to court to support them. It seems they bore their punishments proudly, like battle scars. “Yes, our country, these are our traditions, we want to decide about it!” This year at Sinterklaas’ arrival no blockades were set up. However, that didn’t mean everything went well. Anti-Black Pete activists demonstrated in fifteen cities. At most places, police had to come by to protect them against mad pro-Black Pete supporters. Sixteen people were arrested. Apparently, maintaining a tradition costs something.

In recent years people of colour have started speaking out about how often they have been compared to Black Pete, often jokingly, and how this has hurt them. Anti-racism activists see Black Pete as a prime example of how racism and traces of slavery are still present in the Dutch culture. Even a Unit ed Nations committee claimed their appearance is “a vestige of slavery”. At the same time, lots of people don’t want to change the figure of Black Pete. They don’t consider it as something racist. According to them it’s just a part of the Dutch national identity. And because Black Pete goes up and down chimneys, his face is covered with soot. Back to the road in Friesland. The people in the buses were anti-Black Pete activists from the big cities, Amsterdam and Rotterdam. They wanted to go to Dokkum because Sinterklaas and his Black Petes were having their national arrival there, on November 18, 2017. The activists had planned a demonstration, but not everyone was happy with their presence. 34 Frisians took matters into their own hands and blocked the road, preventing the activists from demonstrating at Sinterklaas and Black Petes arrival. Then, the police led the anti-Black Pete activists back to Amsterdam, after the mayor of Dokkum declared it too risky to demonstrate in Dokkum. There were rumours pro-Black Pete supporters were planning to set up more blockades to make sure the anti-Black Pete activists wouldn’t make it into their town. And so the human right to express your opinion was attacked. The tradition of Sinterklaas and Zwarte Piet might belong to The Netherlands, but the national debate about whether or not traditions should be changed isn’t Dutch at all. All over Europe, there seems to be a wave of people who become mad when a progressive minority wants to change a national tradition. In the scientific magazine International Journal of Cultural Policy, lecturer Christa de Beukelaer discusses this phenomenon about growing polarisation between those who accept and those who reject diversity within the nation-state. “We agreed that diversity is a positive thing that enriches societies. However, the electoral successes of reactionary political movements contesting this idea, see Brexit and Trump, expose the paradox.” Strangers’ opinions only have legitimacy once they are part of ‘us’. But this isn’t reality, writes Ulrick Beck in his research article The cosmopolitan society and his enemies. “The world has become cosmopolitan-ized. Globalization hasn’t only occurred between countries, it has also manifested within countries”. “Cultural policies have been successful in building nations. But in creating national unity through uniformity”. De Beukelaer continues, “cultural policies have failed to accommodate difference and disagreement”. He thinks it is time to move away from this concept and go over to a cosmopolitan policy which respects ‘strangers’ with different values and thoughts.

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