



# HUMAN RIGHTS NEWS

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Editorial

## Human Rights – here and now

Debating the protection of human rights is an arduous long-term undertaking. It involves permanently redefining, reaffirming and developing all areas of human activity closely associated with protecting human rights. It goes without saying that what applied a century ago is now obsolete and no longer appropriate for the ever-expanding spectrum of rights or the growing number of subjects whose rights need to be protected. This is a natural element in the development of human society, which undergoes so many changes that we are often unable to perceive them, or reflect about them in a wider human rights context. So it is not surprising that both in the professional community of human rights experts, and among civil society activists, and among ordinary citizens, there are no universal truths or interpretations based on traditions and belief. Moreover, what was enough for our parents and grandparents does not necessarily suffice for us, our children and our grandchildren.

Lessons from the distant and recent past show us that if not the whole of society then at least some parts of it are very sensitive not only to any signs of violations of the *status quo* in the field of human rights protection, but also to manifestations of indifference or plain ignorance about the rights that belong to contemporary international human rights standards in liberal democracies. Academics, students and NGOs have always had a prominent position among the actors who quickly and attentively observe all the steps taken by government and opposition politicians, state bodies and other institutional and non-institutional structures and watch how they act in the area of human rights. It is therefore natural that we hear voices from this part of civil society expressing their concern about current developments in the human rights field, such as the rights of minority groups ranging from ethnic, religious or sexual minorities to the rights of the disabled, women, children, consumers, etc. These warning voices need to be taken seriously as they are usually alerting us to what may not automatically be perceived as a breach of human rights, yet may soon develop into an avalanche of grave violations that are difficult to halt.

So let us take human rights seriously here and now, let us not put off protecting them for a later day and let us do everything we can so that we do not one day have to say that it's already too late.

prof. PhDr. Silvia Miháliková, PhD.



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## **European Year of Citizens and European Citizens' Initiative from a human rights perspective**

In 2013 European citizenship celebrates its 20th anniversary – a fitting occasion to reflect upon and refresh our knowledge of citizens' rights. In August 2011 the European Commission proposed making 2013 a "European Year of Citizens", claiming that citizenship of the European Union and the rights that go with it are one of the key pillars of the EU. The idea was initiated in the European Parliament in 2010, intending "to give momentum to the debate on Union citizenship and inform Union citizens of their rights, in particular the new rights resulting from the entry into force of the Treaty of Lisbon".<sup>1</sup> Moreover, the European Citizens' Initiative (EOI) was launched last year and there are already 17 registered and ongoing initiatives. The EU is facing an existential crisis due to the economic downturn and one way out is thought to be the empowerment of EU citizens, which according to José Manuel Barroso is the EU's *raison d'être*. Are these two instruments serving this end?

### **Human rights dimension of EU citizenship**

In 1973 the foreign ministers of the European Communities adopted a Declaration on European Identity that was to send third countries a message about the founding pillars the EU was built on - peace, economic and social development, democracy and human rights. It seems that the first goal has been reached: the EU has enjoyed peace for more than 70 years, and the European integration project was awarded the Nobel Prize. Economic and social development has also seen much progress, even though it is currently in the shadow of the crisis. Human rights, democracy and rule of law are essential elements of the concept of European Identity: their development has been a lengthy and sometimes rather uncertain process, but today their existence is considered a natural outcome of the mutual links between economic and individual interests. European Identity has secured the development of human rights both

internally and externally. Each area operated with different objectives. On one hand there was the attempt to define the characteristic features of the EU in relation to third countries and to pursue a foreign policy based on human rights. On the other hand, it was important to win the support of as many citizens as possible – and some of the most important tools for doing this were the judgements of the European Court of Justice, the adoption of the EU Charter of Fundamental Rights, the accession of the EU to the European Convention of Human Rights and the introduction of European citizenship.

It is the enjoyment of citizens' rights that serves as a tool of self-realisation and self-determination. The rights and obligations attached to EU citizenship help make the concept of European identity more specific. In the EU, basic civil rights have been put on same footing as fundamental human rights, most explicitly in the EU Charter of Fundamental Rights. The introduction of the concept of citizenship of the European Union established by the Treaty on European Union could easily be considered one of the milestones in the creation of EU's policy on fundamental rights. The term "citizenship" is transparent and positively anchored in the EU treaties. The Union "places the individual at the heart of its activities by establishing a citizenship of the Union".<sup>2</sup> Creation of an internal market required not only free movement of goods but also free movement of persons without a loss of their political rights. The individual is no longer a mere tool used to achieve economic goals.

European citizenship was formally introduced by the Treaty of Maastricht and later amended by the Treaty of Amsterdam. The Treaty on the Functioning of the European Union addresses the question of citizenship in Articles 20 to 25. Citizenship of the Union is additional and does not replace national citizenship. The EU citizen's rights are a consequence of the status of the person, of the fact that they belong to a supranational body: prohibition of discrimination on grounds of nationality; the right to vote and to stand as a candidate at elections to the European Parliament, as well as municipal elections; the right to move and reside freely within the territory of the Member States; the right to petition the European Parliament, to apply to the

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<sup>1</sup> European Parliament resolution of 15 December 2010 on the situation of fundamental rights in the EU (2009) – effective implementation after the entry into force of the Treaty of Lisbon (2009/2161 (INI))

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<sup>2</sup> Preamble of the EU Charter on Fundamental Rights.

European Ombudsman, and to address the institutions and advisory bodies of the Union in any of the Treaty languages; the right to receive protection by the diplomatic or consular authorities of any Member State.

The Charter, however, goes beyond this and awards rights not only to citizens but in part also to persons from third countries (e.g. Article 41, "every person..."). The Charter copies the set of rights granted by the Treaty and supplements them with the right to good administration (Article 41) and the right of access to documents (Article 42), which were added by the Treaty of Amsterdam.

### **European Citizens' Initiative and human rights**

The Lisbon Treaty obliged the EU institutions to enable EU citizens to launch a common EU-wide initiative that gives citizens the right to request a legislative proposal at EU level.

The ECI presents a step that goes beyond all previous opportunity structures for citizen participation: the right to petition the European Parliament, the right to direct complaints to the EU Ombudsman and the European Commission's practice of consulting civil society in the agenda-setting phase (White papers). The European Citizens' Initiative is considered to be a means of strengthening participatory democracy and it carries the potential for a more fundamental transformation of democracy towards transnational participatory democracy. However, a million signatures from at least seven EU Member States are required to set the wheels in motion.

The first ECIs<sup>3</sup> were expected to deal mostly with the environment, fundamental rights and the movement of citizens. This hypothesis was to some extent correct. There are indeed three initiatives focused on environmental issues, and migration also has its representatives. Fundamental human rights are the object of several initiatives. The following initiatives are concerned with fundamental rights as formulated in the EU Charter, which is probably the most complex of the human rights document: "One of us" (right to life, human dignity and integrity), "Unconditional Basic Income" (human dignity, social security and social assistance), "Teach for Youth" (right to education), "Let me vote!" (right to vote and to stand as a candidate at elections to

the European Parliament), "Single Communication Tariff Act" (consumer protection), "ACT 4 Growth" (gender equality). Moreover, there is an initiative that calls for an explicit proclamation of the right to water - "Water and sanitation are a human right".

Some initiatives are reflections of long-lasting debates in European society such as the permissibility of embryo research ("One of us"), a ban on animal testing ("Stop vivisection") and environmental issues. The "Let me vote!" initiative focuses on migration as well as EU citizenship and voting rights. It requires that EU citizens residing in another Member State are granted the right to vote in all political elections in their country of residence on the same conditions as the nationals of that state. Its objective was also to enhance the concept of EU citizenship, to reinforce citizens' awareness that they share a common destiny and to facilitate the freedom of movement. According to the organisers, when it comes to elections the current state of affairs creates inequality and "second-class citizens" out of those living in another Member State. As for the common sense of identity, they claim that "to give European citizens the right to vote in all elections, be they local, regional, national or European, would be to give each European the feeling of a common destiny, of being at home wherever he or she is within the European Union. It would also be a way to make up for a grave deficiency by breathing a little more soul into Europe. It would be a way of giving European citizenship its full meaning: it must not be an additional, bargain citizenship, but one which gives pride and rights."<sup>4</sup>

Interestingly, the highest number of signatures and far more than is required was so far reached only by the initiative on the recognition of the right to water ("Water and sanitation are human rights").

Citizenship and human rights are constantly challenged concepts that shape EU-level democracy. In 2013 we stand witness to various attempts at deepening deliberative and transnational democratic tools. Are you aware of them?

*Michaela Chládková (PhD Student, FSES CU)*

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<sup>3</sup> More details on the initiatives available at: <http://ec.europa.eu/citizens-initiative/public/welcome>

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<sup>4</sup> Cayla, P. and Colonna, C. (2012). Europeans without border. In *Le Monde*, 3 April 2012.

## **Slovakia**

The Judicial Council has chosen three candidates for the post of judge of the European Court of Human Rights. The selection had to be repeated after the previous candidates were rejected by the Council of Europe's Parliamentary Assembly early this year. The candidates are Ondrej Laciak, a lawyer and vice-dean of the Faculty of Law at Comenius University; Marica Pirošiková, the Slovak representative at the ECHR, and Andrea Krišková, a judge at the District Court Bratislava III. The candidates had to go through a demanding selection process where they had to prove their language skills in English and French. However, the selection procedure has not been completed yet: the proposal has to be presented to the government and will be sent to the Council of Europe when it has been approved. The Council of Europe has already stated that the new Slovak judge will be chosen on 28 January 2014. (-kj-)

This year Slovakia again joined the international campaign *16 Days of Activism against Gender Violence*. We also commemorated the first Slovak public campaign against violence against women that was held 15 years ago. Between 25 November, the International Day for the Elimination of Violence against Women and 10 December, Human Rights Day, a number of discussions, conferences and exhibitions took place and in six cities there was a public 'happening' - whistling for a life without violence for everyone. (-zm-)

## **Europe**

Malala Yousafzai, 16, from Pakistan was awarded the European Parliament's 2013 Sakharov Prize for Freedom of Thought. Ms Yousafzai began her fight for women's right to education, freedom and self-determination in Pakistan at the age of 11 when the Taliban regime banned girls from attending school. She became a prominent voice against such abuses mainly due to her blog, and Taliban gunmen tried to assassinate her in October 2012. (-mc-)

In Belgium there is an ongoing debate about extending euthanasia to minors. (-mc-)

## **World**

*One of the biggest political figures of the 20th century has died.* Nelson Mandela passed away on 5 December at the age of 95. Mandela is known for his fight against apartheid, for which he won the Nobel Peace Prize in 1993 and year later he was democratically elected as the president of South Africa. In 1999 he left the presidency, but remained one of the most influential people in the region. He played a crucial role in the choice of South Africa to host the 2010 football World Cup. For two years he had suffered from very bad health and was reliant on permanent care. He died a few weeks after the Nelson Mandela exhibition was opened in Johannesburg. The exhibition, which is being held at the Nelson Mandela Centre of Memory, displays Mandela's Nobel Peace Prize, his presidential briefcase and handwritten notes. (-kj-)

*The UN Human Rights Council*, which was established after the discrediting of the UN Human Rights Committee, has 14 new members. The vote taken by the UN General Assembly was controversial because of the elections of China, Russia, Saudi Arabia, Vietnam and Algeria, which are known for their negative attitudes towards human rights and not allowing UN human rights monitors to investigate reported abuses. Critics object to the idea that the upholding of human rights should be overseen by countries which themselves violate them. They may ignore violations committed in their own countries by their own officials and police forces, thereby undermining the Council's legitimacy and importance. (-kj-)

Human Rights Watch has drawn attention to the negative impact of new procedural rules at the International Criminal Court in the Hague, particularly in relation to attempts to provide immunity from prosecution for serving government leaders. (-mc-)

On 1 December the UN High Commission for Human Rights celebrates its 20th anniversary. (-kj-)

Navi Pillay, Head of the UN High Commission for Human Rights Office, talks about "massive evidence" of war crimes and crimes against humanity committed against Syrian citizens, especially by president Bashar Assad. This information was confirmed by UN investigators (-kj-)

## **‘Made in Italy’: The country where people are foreigners in life and citizens after death.**

Could there be a greater irony? Is it pure mockery, political posturing or real compassion for the victims? The answer could be found quite quickly.

On 3 October 2013, a ship carrying approximately 500 refugees from Somalia and Eritrea sank near the Italian island of Lampedusa, which has been considered in recent years to be the main Mediterranean gateway to Europe for people leaving Africa. The numbers are horrifying. Only about 155 people survived. Divers were still scanning the wreck 50 meters below sea level a week after the tragedy. The total number of dead, who included children and a pregnant woman, exceeded 300.<sup>5</sup> Yes, I have labelled this incident a tragedy, and I am not the only one. Its consequences were condemned not only by the public, but also by some politicians, and even the Pope joined the mass denunciation when he repeatedly used the word ‘shame’ to describe the tragedy. He sharply criticised the incident and said that tragedies like this cannot be repeated in the future.<sup>6</sup> Unfortunately, it was not the first such tragedy and it is unlikely to be the last. According to data from the International Organization for Migration, more than 20,000 people have died in

the Mediterranean in last 20 years, so it is a 20,000-fold shame.<sup>7</sup>

This is where the irony starts. It continues with the act of granting Italian citizenship *post mortem* to the dead victims of this tragedy. This is Italy, where not even people who have been living in the country for decades, who work, obey the law, pay taxes and speak fluent Italian, are able to get citizenship; a country where irregular migrants<sup>8</sup> are sent to straight to prison or sent back to regimes that threaten their lives; put bluntly, the country where migration laws are written by one of the most radical right-wing political parties, the Northern League.<sup>9</sup> It is strangely symbolic when people who died in part because of restrictive laws, in part because the alarmingly high numbers of refugees has been ignored for years, and in part because of the unwillingness to take systematic action, suddenly get Italian citizenship when it is meaningless for them. All they will get is a proper funeral with national honours on the soil of the country where they wanted to live with dignity. How can we define such an act? Is it real sympathy for the victims? Is this the Italian way of preserving human dignity? When people are not able legally to ask for citizenship, they are given it symbolically after death. It sounds like compassion. The problem is that those people would have had scarcely any chance of gaining citizenship if they had reached the coast and survived. Their personal files would have ended up on a shelf labelled ‘illegal’.

However, the irony does not end here. The 155-odd survivors of the tragedy will have to pay a fine of up to 5,000 Euros for illegally crossing the border as well as being administratively

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<sup>5</sup> The numbers of dead and survivors were reported in numerous media. Accessible on the internet:

[http://www.corriere.it/cronache/13\\_ottobre\\_03/lampedusa-naufraga-barcone-migranti-e0102320-2bf7-11e3-b674-51fbe6c64466.shtml](http://www.corriere.it/cronache/13_ottobre_03/lampedusa-naufraga-barcone-migranti-e0102320-2bf7-11e3-b674-51fbe6c64466.shtml); <http://www.bbc.co.uk/news/world-europe-24499890>; [http://livesicilia.it/2013/10/09/lampedusa-289corpi-nicolini-barroso-letta\\_381916/](http://livesicilia.it/2013/10/09/lampedusa-289corpi-nicolini-barroso-letta_381916/); <http://edition.cnn.com/2013/10/05/world/europe/italy-migrant-boat-sinks/>.

<sup>6</sup> Accessible on the internet:

<http://www.lastampa.it/2013/10/03/italia/politica/lampedusa-il-papa-una-vergogna-simili-tragedia-non-devono-ripetersi-ThV4AznB0cBuzMmLELY3PP/pagina.html>; [http://www.corriere.it/cronache/13\\_ottobre\\_03/lampedusa-naufraga-barcone-migranti-e0102320-2bf7-11e3-b674-51fbe6c64466.shtml](http://www.corriere.it/cronache/13_ottobre_03/lampedusa-naufraga-barcone-migranti-e0102320-2bf7-11e3-b674-51fbe6c64466.shtml).

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<sup>7</sup> Accessible on the internet:

[http://www.italy.iom.int/index.php?option=com\\_content&task=view&id=265&Itemid=90](http://www.italy.iom.int/index.php?option=com_content&task=view&id=265&Itemid=90).

<sup>8</sup> An irregular migrant is a migrant who entered the country legally but has for some reason lost that status (e.g. because their visa has expired).

<sup>9</sup> In Italian *Lega Nord*.

expelled and returned to the country they had fled.

This fact unleashed a new wave of controversy, criticism and promises. On the one hand, EU representatives want to liberalize the laws leading to the criminalization of foreigners, but on the other hand, this December sees the official launch of EUROSUR – the European border surveillance system that could “form a ‘system of systems’ giving all the Member States’ border control authorities access to a secure and decentralised information-sharing network resulting in a full picture of events at the EU external borders”,<sup>10</sup> including the movement of illegal immigrants. The measure

is supposed to have a human face as well. By sharing detailed information and continuous monitoring, this system should also save lives of illegal immigrants. Yet in reality the system does not prevent the causes of migration, but merely prevents the migrants reaching the borders and shores of EU countries. Once again, this is not a systematic solution to the real problem.

How is it possible that people voluntarily take such risks, leaving their countries and setting out on such a dangerous journey? We could have a long argument about what ‘voluntary’ actually means. Not many people would want to live in a country that threatened the lives of its citizens. Anyone who values their life and wants to live with dignity would leave. But how are they to reach a country which has committed itself to creating the conditions for a decent life?

It says in the EU Charter of Fundamental Human Rights that “Human dignity is inviolable. It must be respected and protected”.<sup>11</sup> These two sentences are symbolically part of the Article 1 of the Charter’s first chapter.



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Yet there are ever fewer legal ways to enter fortress Europe. We can scarcely use the term ‘voluntary’ any more. The extent of security controls at the EU’s external borders is reaching a level previously unheard of. From the comments of many politicians, journalists and academics we discover that in recent years we have been experiencing an unprecedented level of international migration. However, these statements are uncorroborated and lead to unnecessary public alarm, thereby creating the perfect climate for legitimising restrictive measures and securitising migration.

<sup>10</sup> Accessible on the internet: <http://www.frontex.europa.eu/eurosur>.

<sup>11</sup> Charter of Fundamental Human Rights of the European Union (2000/C 364/01). Reachable on the internet: [http://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](http://www.europarl.europa.eu/charter/pdf/text_en.pdf).

Migration is not a new social phenomenon. What is different now is that in the past it was not a political issue. Even in ancient political communities people used to distinguish themselves from foreigners on the basis of citizenship, and this provided the political powers with a certain level of protection from potential enemies, thereby ensuring continuity of power as well.<sup>12</sup> So it is possible to say that foreigners had been securitised long before the idea of the nation state emerged. However, it was the emergence of the modern state that deepened the relationship between state and citizen most markedly. It was the precise marking of states' borders that led definitively to the establishment of strict rules and brought us to the stage where we became very careful about protecting our borders from undesirable influences who were potentially dangerous and defining ourselves against other groups. Many authors have debunked the myths about unprecedented migration levels.<sup>13</sup> What is really unprecedented nowadays is the extent and methods of border controls, and the way irregular and illegal immigrants are criminalised and securitised.

After the October tragedy politicians and representatives of the EU were forced to take their heads out of the sand and to try once again to address the systemic problems caused by the lack of any real European asylum policy, the inadequate capacity of refugee camps, the unfortunate bilateral agreements with African countries and the strengthening of restrictive measures which ever more frequently lead people to use the services of people smugglers and resort to risky methods of border crossing. This is clearly not where the road should lead, and the 20,000-fold shame only goes to prove it.

Political representatives have been given another chance. The question is whether they will

take it. Time will tell whether the EUROSUR system really will save lives or if it will only protect the borders against irregular migrants even better. However, in view of the situation in Africa it is likely that the smugglers' services will be used by more and more people, that tension will rise in the refugee camps and that the unintended consequence will be the even greater securitisation of irregular and illegal immigrants.

The constant strengthening of Fortress Europe externally and the strengthening of restrictive measures internally are one solution. However, it is not a happy one and it is certainly not a systematic one. Constant controls legitimate the needs for such measures not only for illegal migrants, but also for foreigners in general without regard for their status. Europe has the capacity to absorb thousands of people. The challenge is whether there is the will to create the necessary conditions for this. Article 1 of Chapter 1 of the EU Charter of Fundamental Human Rights talks about human dignity. The approach of EU countries should reflect this message. At the same time it should lead to adopting the sort of migration policies that always respect and preserve human dignity, and to do so without regard to country of origin or legal status.

*Lenka Kissová  
(PhD Student, Masaryk University)*

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<sup>12</sup> Kostlán, D. Migrácia. [cited 29.3.2013]. Reachable on: <http://www.multikulti.sk/pojmy/migracia.html>.

<sup>13</sup> For example Castles, S., Miller, M. J. (2009). *The Age of Migration: International Population Movements in the Modern World*. New York: Palgrave Macmillan; De Haas, H. (2005). "International Migration, Remittances and Development: myths and facts". *Third World Quarterly*, Vol. 26 (8). Pp. 1243-1258.



## **Hľadanie bariér v prístupe k účinnej právnej ochrane pred diskrimináciou**

**Looking for obstacles to effective legal  
protection from discrimination**

Authors: Vanda Durbáková, Barbora Holubová, Štefan Ivančo and Stanislava Liptáková. Poradňa pre občianske a ľudské práva, (2012)

The study is a useful tool for anyone in Slovakia who is interested in combating discrimination in everyday life. The theoretical part is based on an introduction to current antidiscrimination legislation in Slovakia. Using the results of an empirical survey it attempts to define the barriers preventing access to effective legal redress in cases of discrimination. The study monitors the court judgements in unsuccessful discrimination cases and highlights deficiencies in the way Slovak courts enforce anti-discrimination legislation. In the conclusion there are some important recommendations, the adoption of which would ensure better legal protection when there the principle of equal treatment is breached. (-as-)

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**REPORTS**

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## **International Conference "Rights and duties related to EU citizenship" (22 October 2013)**

This international academic conference was organized by the Government Office of the Czech Republic and the Faculty of Law, Charles University, to mark the European Year of Citizens. This year the EU has been focusing on its citizens and the staff of the Faculty of Law of Charles University organized a conference for people working on EU citizenship and for those who wanted to find out something new.

The programme was diverse. After opening speeches by respected individuals like Czech Minister of Justice Benešová, Deputy Chair of the Constitutional Court Tomková, international law

Professor Šturma and former General Advocate of the European Court of Justice Mazák, there were panels dealing with three specific areas of citizenship – freedom of movement, employment law and social affairs, and international law.

The debate in the latter panel focused on the definition of EU citizenship and its meaning – whether it is a symbol of integration, almost a federation or whether it is a virtual element, an identity for citizens of member states. As we know, EU citizenship is conditional on citizenship of any EU member state, so it does not exist alone. In this regard, there are several criticisms of EU citizenship. The most interesting is the metaphor of the EU as a ‘fortress’ which offers huge advantages to those inside, while for the beyond its borders it is an impregnable place carefully protecting its territory and law. Based



on the definitions, we might think of the citizenship in two frameworks – the global and the traditional one. Global refers to the universality of human rights, meaning that human rights are not derived from the nation state, but given by birth. On the contrary, the traditional framework argues that the nation state is still the most important actor and therefore a condition for gaining and enjoying human rights. EU citizenship was applied in a way that corresponds to both approaches. The relationship is not defined by right and duties, but rather by rights and freedoms, which is a sign of a modern, global conception. However, the condition of member state citizenship is present as well. The replacement of duties by freedoms may cause passivity, which is one of the biggest problems creating the democratic deficit. In this situation we can ask two questions: would it not be more effective for increasing civil activity if it imposed some duties and got back to more

traditional perceptions of citizenship? And what would happen if national citizenship moved to this new conception?

Some interesting points were made about case law concerning citizenship. An example from international law is the European Court of Human Rights case Hungary vs Slovakia on not allowing the Hungarian president to enter the Slovak Republic in 2009 for public security reasons. A lot of other cases include the family issues, especially where one or both parents does not possess EU citizenship.

Generally we can see that citizenship brings many advantages as well as problems, and the biggest one is that the EU citizenship is not used by those who could do so, while those who would like to enjoy it are unable to. This applies in particular to third countries.

*Kristína Janková (PhD Student, FSES CU)*

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## REPORTS

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### **FSES Students at OSCE Permanent Council in Vienna**

On 21 November 2013 the UNESCO Centre for Human Rights Education at the Faculty of Social and Economic Sciences, Comenius University in Bratislava, organised an excursion to Vienna for students on the course “Fundamental rights protection in the European Union”. Students attended a meeting of the Permanent Council of the Organisation for Security and Cooperation in Europe (OSCE) that mainly dealt with the current state of play of the OSCE mission in Moldova. Afterwards OSCE Senior Press and Public Information Assistant Florence Le Clézio gave a presentation on the role and activities of the OSCE. Alfred Kueppers, the Public Information Officer, Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, also gave a presentation with a particular

focus on human trafficking and measures adopted in order to promote human rights and security in OSCE countries. The second part of the excursion took place on the premises of the Faculty of Law at the University of Vienna (JURIDICUM) where Childerik Schaapveld, Head of the Council of Europe mission for cooperation

with the offices of the OSCE and UN in Vienna, provided students with an insight into the different forms and methods of cooperation of all these organisations in the area of human rights. Students also had an opportunity to find out more about the postgraduate study programme LLM in European and Asian Legal Studies organised by Vienna University from a presentation by Marina Brandtner.

*JUDr. Alexandra Strážnická, PhD. LLM  
(UNESCO Centre for Human Rights  
Education)*



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## HUMAN RIGHTS ORGANISATIONS IN SLOVAKIA

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### ***Poradňa pre občianske a ľudské práva v Košiciach/ Advisory Centre for Civil and Human Rights in Košice***

The Advisory Centre for Civil and Human Rights is a non-governmental, non-profit organization founded in 2001. It focuses on the protection of human rights in Slovakia with special emphasis on the protection of the rights of minorities and freedom from discrimination.

Since 2001, the Centre has been fighting for the protection of internationally guaranteed human rights in Slovakia with special focus on the Roma ethnic minority, which faces social exclusion and discrimination in various areas of life. In particular, it has been fighting to eradicate the practice of forced and coercive sterilization of Roma women, racial segregation and police violence against the Roma in Slovakia.

**Its activities include:**

- conducting monitoring and research into human rights violations;
- building the capacity of victims to organise themselves and to take an active role in fighting against discrimination and other human rights violations;
- providing free legal assistance to victims;
- conducting strategic litigation into human rights violations in courts and other legal proceedings, including the European Court of Human Rights;
- advocating systemic change at the political level, including national laws and policies;
- conducting international and regional advocacy on Slovakia;
- improving the capacity of key stakeholders in international human rights standards and publishing the best practice in relevant areas.

**The Advisory Centre for Civil and Human Rights mission:**

**To Empower:** The Centre works with those who suffer human rights violations and empowers them to become active participants in addressing injustice and being transformed from victims to victors.

**To Litigate:** The Centre ensures that those responsible for human rights violations are held to account, that victims get redress through courts and that courts become vehicles for social change.

**To Educate:** The Centre runs well-informed advocacy campaigns addressing specific human rights violations and educates key stakeholders on applicable international human rights standards.

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Interview with **Vanda Durbáková**, Advisory Centre for Civil and Human Rights lawyer...

**For several years you have been active as a lawyer providing legal assistance in the field of human rights and fundamental freedoms. Why did you decide to dedicate yourself professionally to issues of human rights protection?**

As a student I had the opportunity to work as a volunteer for one of the non-governmental organisations, where I was able to talk to people whose human rights had been violated and notify the relevant state bodies of the violations. As a law student I regarded this as an excellent opportunity to combine my theoretical knowledge with practical work. After I graduated I worked in the field of commerce for a couple of years but when I was suddenly offered the chance to work for a human rights NGO I didn't hesitate for a moment. Through my professional work I try to change things in our country for the better. It's work I enjoy and it brings me inner satisfaction as well as being a great challenge for me professionally.

**Are you a specialist in a particular area of law?**

I've been working with a number of NGOs. From 2003 I've been working for the Advisory Centre for Civil and Human Rights and since 2004 for the NGO Fenestra as well. I focus in particular on

protection against discrimination, the violation of women's reproductive rights and on women's rights to protection against violence.



**How would you describe work as a lawyer at the Advisory Centre?**

In 2012 the Advisory Centre became the first NGO from Central Europe to be awarded the Prize of the French Republic for Human Rights. My work for the centre involves providing our clients with legal assistance, including representing them in court.

I take part in various educational activities for lawyers, and participate in publishing activities and commenting on selected legal texts. What could be interesting for your students is perhaps our human rights training. In 2013 we organised a

Human Rights School for the first time with two NGOs from Košice. 14 students from secondary schools and universities in the Košice and Prešov regions took part. Students were able to increase their awareness of the basics of human rights principles. They learnt how to destroy myths with facts and overcome their own prejudices and stereotypes, and intensified their interest in important social issues. There is more information available on our website and on Facebook. We would like to continue organising the Human Rights School, and although at the moment it's only for students from the Košice and Prešov regions, we hope in future we will be able to extend it to students in other regions of Slovakia too.

**You have successfully represented some of your clients at the European Court for Human Rights in Strasbourg. How did your experience influence your further professional career?**

Yes, I was one of the lawyers who represented a number of Roma women who had been forcibly sterilized. The European Court for Human Rights (ECHR) decided in favour of these women in a number of cases. For example, in the judgements on the cases of V.C. vs. Slovakia, N.B. vs. Slovakia and I.G. and others vs. Slovakia it was found that sterilization without informed consent constitutes a violation of rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, in particular the right to be protected against inhuman or

Vanda Durbáková was presented with the **Woman of Courage Award** at the Embassy of the USA in Bratislava on Monday 8 April 2013 on the occasion of International Roma Day by the US Ambassador to Slovakia, Theodore Sedgwick.

degrading treatment, as well as of the right to respect for private and family life. The court awarded our clients a relatively high sum in damages for the violation of their rights. These judgements will influence courts' decision making in similar cases in Slovakia and will also be an important precedent elsewhere in Europe and worldwide. We are trying to use these decisions in order to get financial and moral compensation from the state for all women affected by these practices, and not just those who have taken legal action. We are trying in our work to achieve systematic changes in our society.

**How do you evaluate the level of human rights protection in Slovakia?**

In my professional experience of the area I work in, legal regulations guarantee a fairly good level of protection, but there are still problems with their practical implementation, which we are striving to achieve with our work. The people we meet have often had their rights violated and often they only gain justice after many years, and often outside Slovakia. We try to ensure that human rights violations do not take place, and that if they do, people are able to gain justice on their home soil. We believe that the courts' decisions condemning cases of human rights violations can contribute to eliminating this phenomenon in our society and will encourage people whose rights are violated to become active in defending themselves.



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## CONFERENCES – EVENTS – FESTIVALS – STUDIES

“Human Rights and Citizenship”: The UNESCO Centre for Human Rights Education and the Centre for Human Rights and Democratisation, Faculty of Social and Economic Sciences, Comenius University in Bratislava, invite you to a conference to mark International Human Rights Day and the European Year of Citizens at the Faculty of Social and Economic Sciences, Bratislava, 10 December 2013;

[http://www.fses.uniba.sk/fileadmin/user\\_upload/editors/Novinky/Kalendar\\_podujati/2013\\_slovensko\\_plakat\\_final\\_8\\_12\\_2013.pdf](http://www.fses.uniba.sk/fileadmin/user_upload/editors/Novinky/Kalendar_podujati/2013_slovensko_plakat_final_8_12_2013.pdf)

“Law, Justice and the Security Gap”, International Conference of the LSE ‘Security in Transition’ programme: The London School of Economics and Political Science invites you to an international conference focused on the relationship between law, justice and security issues, London, UK, 21 June 2014 (Deadline for abstracts 6 January 2014); <http://www.securityintransition.org/>

“Labour in East and Southeast Europe: Institutions and Practices Between Formality and Informality”: Institut für Ost- und Südosteuropaforschung invites you to an international conference that seeks to explore labour and how it interacts with institutions in Eastern Europe, Regensburg, Germany, 26-28 June 2014 (Deadline for abstracts 13 January 2014);

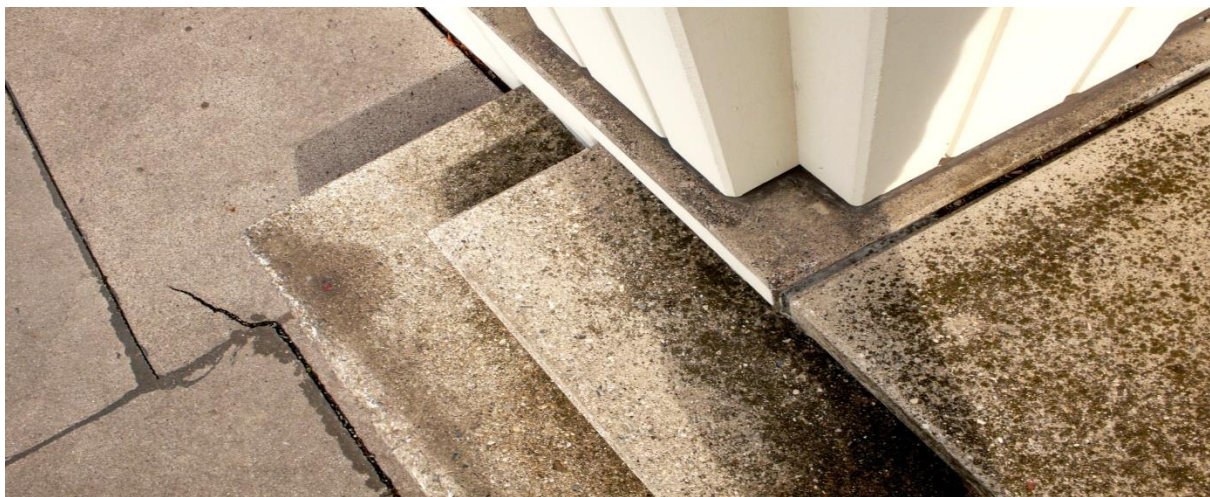
[http://www.ios-regensburg.de/fileadmin/doc/veranstaltungen/2014/2014\\_CfP-IOS.pdf](http://www.ios-regensburg.de/fileadmin/doc/veranstaltungen/2014/2014_CfP-IOS.pdf)

“Balkan and Baltic States in United Europe: History, Religion, Cultures II”: The Balkan Ethnology Department of the Institute of Ethnology and Folklore Studies with Ethnographic Museum of the Bulgarian Academy of Sciences invite you to the conference that will continue previous discussions about process of integration of Balkan countries to the EU, Sofia, Bulgaria, 1-3 October 2014 (Deadline for abstracts 30 January 2014);

<http://www.pecob.eu/call-for-papers-conference-balkan-and-baltic-states-in-united-europe-history-religion-cultures-ii>

“Multilingual Situations and Policies towards Multilingualism in Europe”: Université Paris-Ouest Nanterre La Défense invites you to an international conference that seeks to explore multilingualism in politics, administration and justice, Paris, France, 20-21 November 2014 (Deadline for abstracts 1 April 2014);

<http://www.u-paris10.fr/>



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