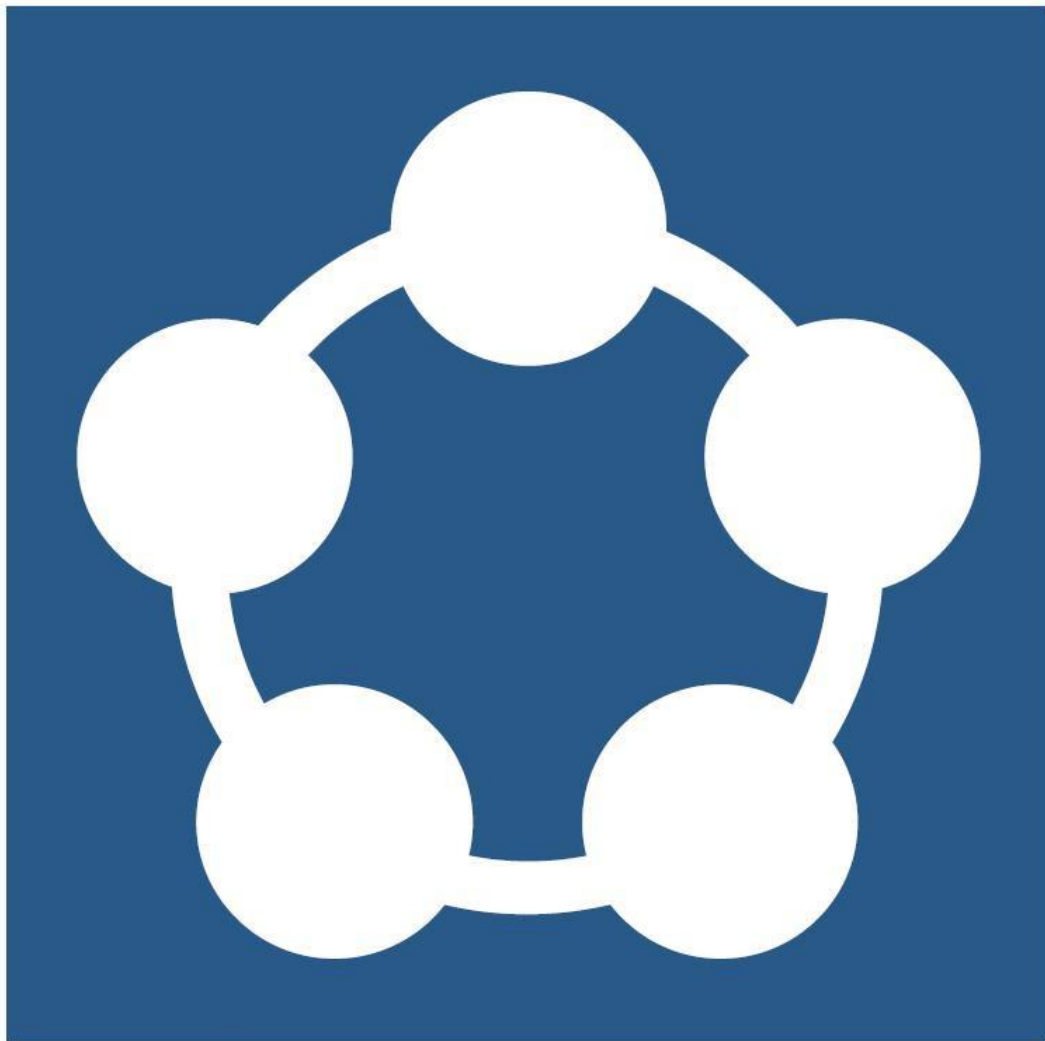


# **A Different View**

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**IAPSS**

**WITH**

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**Hortenzia Hosszú**

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### **Human rights: Words and Deeds**

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In his article, Gábor Beregszászi feels some grounds for optimism in terms of human rights because human rights are more widely accepted than they have ever been. Besides this the treaties help encourage and pressure countries to deal with their human rights problems. As a conclusion the author suggests that we have to promote and protect the rights of our fellow members of the human family, be that at home or elsewhere in the world.

### **DESAPARECIDOS: Addressing Human Suppression in the Philippine Democracy**

**by Michael Teodoro G. Ting Jr.**

This papers deals with involuntary disappearance, as a crime against humanity, carries with it legal and moral dimensions. As a legal wrong, it can be prosecuted only by the power of an effective law and legal system. However, as a moral evil, it cannot be resolved by any political power, military might, or civilian strength. Only through a genuine spirit of human compassion, a basic respect for human rights, and a true sense of civic duty can it be eradicated.

### **Key Areas in European Union Human Rights Enforcement**

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In her essay, she focuses on the USA's attitude towards human rights. Her argument is base on similarity with the US Constitution and the Universal Declaration of Human rights. She makes up four classes of the violation of human rights committed by the USA beginning with the most serious breaking of human and constitutional rights to the indirect or shaded breaking of these rights. Finally she emphasises the importance of moral values in politics.

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## **NOTE FROM EDITOR-IN-CHIEF**

**Hortenzia Hosszú**

Dear IAPSSers,

I hope you will like the new edition of A Different View. We tried our best when we were working on this issue. Our main aim was giving both a fresh, meaningful and IAPSS-community-focused magazin which can be a useful tool for understandig each other.

I am really happy to get an opportunity work with the young and motivated members of Editorial Board of ADV, like Bakar Berekashvili and Irma Qehajaj. I also would like to thank to the former Editorial Bord, Thomas Bobinger, Dylan Kissane and the IAPSS ExCom, SupCom for their kind help and patience, special thanks for Dina Kosmidu from IAPSS OC.

Finally on behalf of ADV Editorial Board, I would like to wish a Peaceful Christmas and Happy, Successful New Year all of you.

## **FOREWORD FROM EDITOR-IN-CHARGE OF ADV DECEMBER ISSUE**

**Bakar Berekashvili**

Dear Friends,

I am writing you this letter from Georgia, from my native country where I was born in 1983 while Georgia was a part of USSR. By that time, doctrine of human rights in Soviet Union was considered as a negative European idea and political discourse giving nothing to the nations. Then Soviet Union collapsed and Georgia gained independence. But human rights still were not basic part of Georgian political agenda due to authoritarian-nationalist government which came into power in Georgia after dismantle of Soviet Union and seriously damaged country's reputation in international arena. Then in early 1992 this nationalistic regime was brought down as well, but still no progress for Georgia in terms of human rights protection just because of that new president Eduard Shevardnadze who was a former communist leader did not care of human rights and established hybrid regime in Georgia. Then like their incumbents Shevardnadze's government was removed and by peaceful means, particularly by the Rose Revolution of 2003 and opposition leader Mikheil Saakashvili became country's president in 2004.

On 7 November of 2007, huge peaceful demonstration was organized in Tbilisi by which people protested Saakashvili's political regime and accused Georgian president in abusing of human rights and democratic principles in Georgia. So, still here we see again that even in case of Saakashvili who enjoys of having good international reputation, Georgia could not achieve to be formed as a democratic country. Saakashvili responded protestors with dispersal of rally and by announcing state of emergency which was canceled few days later. He also announced conduction of early presidential elections in January of 2008 and so few days ago he resigned. Georgians intend to vote in January, some shall vote for Saakashvili and some shall vote for opposition, but they shall vote with new hope, with the hope for better Georgia, but also there are significant part of Georgian society who gradually lose this hope. And this is a drama of Georgian democracy.

It turned out that this is extremely difficult for Georgia to preserve human rights and democratic principles and to take succesful steps for democratic transformation. I have already noted above that Georgian governments of any period could not manage establishment of truly democratic regime in the country. But what I always urge to my friends and distinguished colleagues is that this is not only political authority in Georgia who makes problems for human rights and democracy in Georgia, but also this is a Georgian society who lives with double standards. Point is that on the one hand Georgian society wants to live in democratic country where protection of human rights will be guaranteed but, on the other

hand, this is exactly Georgian society who has nationalistic nature of thinking and snobbish character as well which are in confrontation with the protection of human rights and human dignity. However, I do not want to be a pessimist and I should say that I see progressive groups in Georgian society, not very strong and capable in decision making process of Georgia but I see them and they make me to think about possible perfect democratic future.

Georgia is not the only country in this diverse world that has troubles with human rights protection. Just observe other countries of contemporary humanity and one would easily discover worse situations in the field of human rights protection. Let's think about post-soviet space where we can see Russia, Belarus, Uzbekistan and other countries where political authorities still consider the idea of human rights protection in soviet context and they achieved to form conformist and scared society who can not think about protection of human rights even in their inner mental world. Russia, for instance, is a clear example how authority managed to take control over the minds of individuals who acknowledge the only dominant discourse offered by the government.

The enlightenment era played crucial and decisive role in emergence of contemporary idea of human rights which is so much important and simultaneously disrespected in modern world. The ideas and conceptions developed by Lock and Kant provided clear determination of what individual rights are and why human rights are necessary for humanity. Then other philosophers of next centuries gave us more explanations in which conditions human rights are protected and how people and governments should deal with human rights protection. So, what is called for society where human rights protection is guaranteed? Karl Popper, 20<sup>th</sup> century Austrian-born British philosopher suggests that this is an open society who can provide strong basis and environment for protection of human rights and individual liberties. And the open society is the most important enemy of any totalitarian and dictatorial regimes of our world, because the open society is an idea and concept developed by 19th century French philosopher Henri Bergson who argued that within open society political authority is transparent and tolerant and according to Popper open society itself is an enemy of closed society where the idea of human rights protection is strongly neglected by the government. Democratic countries have open societies and totalitarian countries have closed societies and where the closed space is discovered there can be also definitely discovered darkness.

On 10<sup>th</sup> December the world celebrates Human Rights Day because exactly on 10 December of 1948 United Nations General Assembly adopted Universal Declaration of Human Rights and we decided to dedicate this issue of A Different View to Human Rights. With this issue we would like to explain how we see human rights today and to identify who respects true ideals of human rights and fundamental liberties in this world. This issue of A Different View may serve as a small but a very smart contribution for promoting and defending human rights worldwide. This is very important that the work of IAPSS has few dimensions and among them is to support protection of human rights and democratic values and for this purpose since its establishment, IAPSS carried out numerous activities focusing to promotion of human rights and democracy, and this issue of ADV is just continuation of IAPSS work in promoting basic principles of human rights, democracy and civil society.

I am really very happy to present before you this December issue of ADV and this became possible with existing of strong, motivated and common spirit within editorial board of ADV. I would like to say many thanks for everyone who took part in preparing of this issue of ADV. Special thanks for Zia Hosszu, Editor-in-chief of ADV and brilliant intellectual who did excellent job in preparing of December issue. I would like also to say many thanks for Irma Qehajaj, Co-Editor of ADV for her contribution in promoting of magazine. I am very thankful and especially grateful for Gábor Beregszászi, Michael Teodoro G. Ting Jr., Nikolett Sebestyén, Zsanett Papp and Kamilla Németh for their excellent articles on the topic of the month. Finally, I wish to ask our intellectual readers to provide us with their very valuable

comments, remarks, and suggestions. We are always more than happy to hear about your innovative ideas for our magazine and also to accept your articles for the next issues of ADV which will be also very interesting and attractive for all of us.

## TOPIC OF THE MONTH



### Human Rights: Words and Deeds

by Gábor Beregszászi

*„...all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.” The United States Declaration of Independence, July 4, 1776.*

John Locke, a prominent English philosopher of the 17<sup>th</sup> century, developed the concept of natural rights (people possess certain rights by virtue of being human), whose main thesis was that natural rights were derived from divinity since humans were creations of God. Thus, his ideas were important in the development of the modern notion of rights.

Lockean natural rights did not rely on citizenship nor any law of the state, nor were they necessarily limited to one particular ethnic, cultural or religious group. To deny valid property rights according to Locke is to deny human rights.

To emphasize the evolution of human rights, the next step can be put down to the two revolutions that occurred in the 18<sup>th</sup> century in U.S., and in France. The United States Declaration of Independence and the Declaration of the Rights of Man and Citizen define a set of individual and collective rights of the people.

Appalled by the barbarism of World War I, the United Nations General Assembly adopted the Universal Declaration of Human Rights in 1948. While not legally binding, it urged member nations to promote a number of human, civil, economic and social rights, asserting these rights are part of the “foundation of freedom, justice and peace in the world”. The declaration was the first international legal effort to limit the behavior of states and press upon them duties to their citizens following the model of the rights-duty duality. The International Covenant on Economic, Social and Cultural Rights, adopted by the United Nation, came into force in 1976. It commits 155 state parties to work toward the granting of economic, social, and cultural rights (ESCR) to individuals. The Universal Declaration of Human Rights (abbreviated UDHR) is a non-binding declaration adopted by the United Nations General Assembly. We could continue to list all the declarations that have been adopted in the intervening years since the second world war.

However are all these declarations enough to give rights to everybody? The answer goes without saying that not all humans have these inalienable rights that have been put down in the declarations. Some people believe that human rights violations and abuses are more common in dictatorships or theocracies than in democracies. This is because freedom of speech and freedom of the press tend to uncover states ignoring human rights and expose them. Nonetheless human rights abuses do also occur in democracies, not only in the developing democratic countries but in the developed ones as well.

Powerful governments and armed groups are deliberately fomenting fear to erode human rights and to create an increasingly polarized and dangerous world. Through short sighted, fear-mongering and divisive policies, governments are undermining the rule of law and human rights, feeding racism and xenophobia, dividing communities, intensifying inequalities and sowing the seeds for more violence and conflict. Scarred by distrust and division, the international community was too often impotent or weak-willed in the face of major human

rights crises (in Darfur, Rwanda, Congo, Liberia) which took place in the previous years, whether in forgotten conflicts like Chechnya, Colombia and Sri Lanka or high profiles ones in the Middle East. This year the world is facing more and more turbulent events (one of them is the crisis in Burma). Consequently, this entails breaking human rights. At least, we find few exceptions in the globe where every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

Today, poverty prevails as the gravest human rights challenge in the world. Combating poverty, deprivation and exclusion is not a matter of charity, and it does not depend on how rich a country is. It is this double edge that makes poverty probably the most important human rights challenge in the world. The links between human rights and poverty should be obvious: people whose rights are denied - victims of discrimination or persecution, for example - are more likely to be poor. Generally they find it harder or impossible to participate in the labor market and have little or no access to basic services and resources. Meanwhile, the poor in many societies cannot enjoy their rights to education, health and housing simply because they cannot afford them. Poverty affects all human rights: for example, low income can prevent people from accessing education - an “economic and social” right - which in turn inhibits their participation in public life - a “civil and political” right - and their ability to influence policies affecting them. Yet, poverty is still rarely seen through the lens of human rights. Rather it is often perceived as tragic but inevitable, and even as the responsibility of those who suffer it (Nickel, 2005: 385-390)

However poverty goes hand in hand with another problem. This is the fear of migration. In the developed countries, the fear of being invaded by hordes of the poor is being used to justify ever tougher measures against migrants, refugees and asylum-seekers, violating international standards of human rights. Inherently, this means that this fear breeds discrimination, racism, persecution of ethnic and religious minorities and xenophobic attacks against foreigners and foreign-born citizens. In many western countries, discrimination against Muslims has been generated by fears of 9/11, whereas anti-Semitism and anti-western, anti-American sentiments are increasingly evident in the Islamic world.

In Eastern Europe discrimination against the Roma is one of the leading human rights issues which is manifested by the segregation of Romani children in the schools (AI Report, 2007:16-19).

Freedom of expression is fundamental to the right of dissent. Where there is no dissent, democracy is stifled. Among others, Putin’s Russia exemplifies this, intimidating the press and seeking to silence the independent voices on human rights (AI Report, 2007:19-20.)

Gender violence, that is to say, violence against women remains one of the most common human rights abuses today, highlighting this are incidents of rapes and murders against women in Darfur, Guatemala or Liberia. (AI Report, 2007:20-21.)

The abolition of the death penalty is also a hot issue. The UN urges a resolution calling for a global moratorium on executions that would be a significant milestone towards achieving the goal of a death penalty-free world. This resolution is expected to be supported by countries from all regions of the world. According to Amnesty International, during 2005 at least 2,148 people were executed in 22 countries, 94% in China, Saudi Arabia, Iran, and the United States alone. More than 5,186 people were sentenced to death in 53 countries. More than 20,000 prisoners are on death row across the world. A properly functioning system of the rule of law at a national level is the ultimate safeguard for human rights. But such a system of law, if it is to be truly just, must embrace women and the poor. The majority of poor people today live outside the protection of the law.

One significant question is, with all the international human rights laws that exist, why are there still so many incidents of abuses taking place in the world today? A simple answer with much truth in it is that the world’s human rights problems are large and deeply entrenched,

and that human rights law and organizations are, by comparison, not very strong - particularly within the United Nations. Countries with the worst human rights records often do not participate much in the UN system (for example, one fourth of the world's countries have not ratified the Civil and Political Covenant), and many others participate in a formal and hypocritical way.

Regional systems, particularly in Europe (the EU) and the Americas, do somewhat better. They have their own human rights courts, are more powerful, and enjoy more serious and sincere participation by many (but not all) of their members.

The first 50 years of the human rights movement were handicapped by the Cold War. With that handicap removed, the 1990s were a period of growth and improvement in human rights law and institutions. The period since 2001 has seen a preoccupation with terrorism that has taken much attention and energy away from other human rights problems. Success in promoting human rights requires hard-to-achieve success in other areas including building more capable, responsive, efficient, and non-corrupt governments, dealing with failed states, increasing economic productivity (to pay for the protections and services that human rights require), improving the power and status of women, improving education, and managing international tensions and conflicts. Realizing human rights worldwide is a project for centuries, not decades.

To make a tentative conclusion, still, there are some grounds for optimism. Human rights are more widely accepted than they have ever been. They have become part of the currency of international relations, and most countries participate in the human rights system. Treaty arrangements help encourage and pressure countries to deal with their human rights problems. It is sure that respect for human rights is one of the most fundamental and universal values of our world. All of us, in our official capacity and in our private lives, have a responsibility to promote and protect the rights of our fellow members of the human family, be that at home or elsewhere in the world.

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# DESAPARECIDOS: Addressing Human Suppression in the Philippine Democracy

by Michael Teodoro G. Ting Jr.



**Where is Jonas Burgos?** Family, friends, and human rights advocates march in May 2007 to denounce the abduction of Jonas Burgos (right picture in banner), the son of press freedom fighter Joe Burgos (left picture in banner). The young Burgos was an activist working with peasants in Bulacan. Military agents are suspected to be behind his kidnapping. *(Photo courtesy of arkibongbayan.org. Text courtesy of bulatlat.com)*

## Overview

Jonas Burgos, the son of the late Philippine publisher-activist Joe Burgos, dedicated his life in teaching farmers natural farming techniques. At 12 noon of April 28, 2007, his peaceful life came to a halt. Witnesses testified that he was “held by the hands and feet” and taken to a waiting van by two unidentified men outside the Ever Gotesco Mall in Quezon City. The Burgos family has been searching for him since but his whereabouts remain a mystery (Castañeda 2007). Human rights groups and friends of the family accused state security agents of being behind his enforced disappearance. The Philippine Military denied all accusations while the Philippine National Police vowed to locate him (Castañeda 2007).

Before the year 2000 ends, Salvador “Bubby” Dacer was talk of the town, headline of every news daily, and subject of television and radio commentaries. A public relations consultant in possession of incriminating evidence against then President Joseph Estrada, Dacer was reportedly abducted by members of the Philippine National Police (PNP) and the Presidential Anti-Organized Crime Task Force (PAOCTF) just 13 days prior to the start of the impeachment proceedings against Estrada. Intelligence reports point to then PNP Chief Panfilo Lacson as the mastermind. Lacson is now a high profile Senator and former Presidential candidate while Dacer remains to be found (‘Desaparecidos’ 2001, pp. 10-11).

Prominent and controversial their cases may be, Dacer and Burgos are just two of thousands of *desaparecidos* in Philippine political history. Just like the preceding cases, their cases remain to be resolved.

## **Historical Origin**

A survey of Philippine history will readily reveal a nation marred by centuries of mass poverty, colonial exploitation, elite hold of the economy, graft and corruption, and political instability (Abinales and Amoroso 2005). As successive administrations fail to cope with the continuing crises, massive discontentment of the people is translated to demonstrations, strikes, pickets, and other forms of resistance and social unrest. The government, through its agents, tries to curb this resistance. In the process of silencing alleged government opponents, human rights are violated. The involuntary disappearance, the case of a *desaparecido*, is one such violation ('Her Story' 1998, pp. 1-11).

## **Definition**

"Disappeared," derived from the Spanish *desaparecido*, is a national and international human rights concern of Latin American origin. It is spawned by a socio-political problem in Guatemala in 1966, and by military coups in Chile in 1973. In the Philippines, it has gained significant prominence during the Marcos era of 1972-1986 (Amnesty International USA 1982, pp. 63-75).

Already a concern of more than 60 countries, enforced or involuntary disappearance, as defined by the United Nations (UN), is

„... an act committed when the person is arrested, detained or abducted against his/her will or otherwise deprived of his/her liberty by officials or employees of any branch, subdivision, agency or instrumentality of Government, or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, and who subsequently disappeared for at least 48 hours. These forces then conceal the whereabouts of the disappeared or refuse to disclose his/her fate or to acknowledge that he/she was detained, thus placing such person outside the protection of the laws.

Involuntary disappearance involves the kidnapping of a person by agents of the state, organized groups or individuals acting on behalf of or with consent of the state, wherein the victim disappears for 48 hours or more. The authorities do not acknowledge responsibility of the victim or inform the relatives of his fate. The victim is called a *desaparecido* (House Bill No. 1913).

## **Categories**

For the Families of Victims of Involuntary Disappearance (FIND), there are 4 major categories ('Her Story' 1998, p. 12-13), namely:

- (1) Still missing, when the *desaparecido* has not surfaced even up to the present;
- (2) Surfaced alive, when the *desaparecido* has surfaced after 48 hours or more whether detained or free;
- (3) Surfaced dead, when the *desaparecido* has surfaced dead after 48 hours or more often in unexpected and unholy places; and
- (4) Exhumed dead, when the *desaparecido*'s remains were unearthed by FIND based on leads supplied by witnesses, relatives, and sometimes even from the perpetrators themselves.

## **Nature and implications**

More than the victim's capture and maltreatment, involuntary disappearance entails creates uncertainty and terror both in the family of the victim and in the community as a whole. It violates fundamental human rights, which include (Coquia 2000):

- (1) the right to recognition everywhere as a person before the law;
- (2) the right to legal defense;
- (3) the right not to be subjected to torture; and
- (4) the right to life because the victim is at the mercy of his captor.

In the constitutional sense, it is a violation of a person's life and liberty without due process of law (Constitution 1987, Article III, Section 1) and amounts to unreasonable search and seizure (Constitution 1987, Article III, Section 2).

### **Legal protection**

Already considered the cruelest form of human repression ('Her Story' 1998, p. 13), involuntary disappearance has been recognized to fall under the general scope of the following international laws (Coquia 2000):

- (1) UN Declaration of Human Rights,
- (2) International Covenant on Civil & Political Rights,
- (3) Convention Against Torture & Other Cruel, Inhuman or Degrading Treatment or Punishment,
- (4) Code of Conduct for Law Enforcement Officials, and
- (5) Basic Principles on the Use of Force & Firearms by Law Enforcement Officials.

Realizing the need for a specific law, the United Nations General Assembly is yet to ratify the draft of the *International Convention on the Protection of All Persons from Enforced or Involuntary Disappearances* (UN Document A/RES 33/173).

However, on the national level, there is as yet no particular law specifically defining involuntary disappearance and prescribing penalties therefor. At present, FIND, a non-governmental organization established in 1985 to resolve involuntary disappearances, has filed 14 cases in Mindanao courts relying on Revised Penal Code provisions on kidnapping, murder, and serious illegal detention. The Bill of Rights also stands to cover these clear violations of human rights (Constitution 1987, Article III).

At the House and Senate levels, several bills have already been filed. House Bill No. 8253 was the first anti-involuntary disappearance bill authored by Representatives Bonifacio Gillego, Edgardo Lara, and Gregorio Andolana. However, the bill was heard only once in each House and was set aside by the 10<sup>th</sup> Congress. In the 11<sup>th</sup> Congress, Representative Dante Liban filed House Bill No. 2282 while Representatives Lara, Roan Libarios, Loretta Rosales, and Krisel Lagman-Luistro filed House Bill No. 3223.

At the Senate, Senator Ramon Magsaysay Jr. filed Senate Bill No. 1233. This was passed on to the Committee level and was merged to come up with a consolidated version. However, at the final version, enforced disappearance only includes those surfaced dead or alive, thereby excluding thousands of cases of missing persons. Realizing this, Rep. Luistro recently filed House Bill No. 1913, *An Act Penalizing Enforced or Involuntary Disappearance and For Other Purposes*. The proposed bill adopts the UN definition of the crime.

### **Philippine Statistics**

Based on the reported cases documented by FIND, there are already 1,533 verified cases of involuntary disappearance nationwide as of December 8, 2001. However, a total of 1,767 cases have been reported to FIND from contacts, allies, networks, and the media (FIND 2001). Meanwhile, human rights group *Karapatan* (Alliance for the Advancement of Peoples' Rights) recorded 199 victims from Jan. 2001 to May 2007 (Castañeda 2007). Of the documented cases, 1,019 are still missing, 301 are surfaced alive, and 213 surfaced dead (FIND 2001).

By comparison, the Marcos regime produced 801 cases, while the Aquino regime has 586, Ramos with 83, Estrada with 56, and the Arroyo Administration with 7. The years 1983-1985, peak of the campaign against Marcos dictatorship, recorded the highest number of incidents. This was followed by the years 1987-1989, the period of the Total War Policy of the Aquino regime against insurgents and secessionists (FIND 2001).

Of the victims, 1378 are male and 155 female. By sector, 700 are farmers, 240 workers, 156 from the youth, 63 women, 53 are professionals, 23 are fisherfolk, 19 are children, 11

students, and 2 from the urban poor, while 266 have incomplete records. By age, majority belong to the 16-25 years age bracket with 427 cases (38.1%), followed by the 26-35 years age group with 365 (32.6%) (FIND 2001).

Of suspected perpetrators, 330 cases are attributed to the Philippine Army, 151 to Philippine Constabulary, 137 to the Civilian Home Defense Force, and 103 to the Philippine National Police. The Armed Forces of the Philippines, or the military in general, is imputed in at least 431 disappearance cases (FIND 2001).

By region, 306 cases happened in Western Visayas, 163 in Western Mindanao, and 162 in the National Capital Region (FIND 2001). The province of Bulacan holds the largest number of missing individuals since President Arroyo held power in 2001. Jonas Burgos is the 26th victim of enforced disappearance in the province (Castañeda 2007). Other victims in the province included San Miguel town farmer Bernie Santos who was abducted on April 24, 2005 allegedly by soldiers of the First Scout Ranger Regiment based in Camp Tecson; farmer Manuel Merino and University of the Philippines students Sherlyn Cadapan and Karen Empeño who were roused from sleep to be dragged to a jeepney-type vehicle before dawn of June 26, 2006; Ricardo Valmocina Jr. and Robin Solano who were abducted inside the CV Tamayo Farms in San Ildefonso; and jeepney driver-turned-activist leader Emerito Lipio who was abducted on July 3, 2006 (Castañeda 2007).

Oscar Leuterio, a security guard in the town of Doña Remedios Trinidad, was abducted on April 17, 2006. He was held incommunicado for five months inside a safehouse in Fort Magsaysay in the province of Nueva Ecija, the headquarters of the 7th Infantry Division of the Philippine Army. He was released on September 2006 on the condition that he will work for the military. However, Leuterio sought the assistance of human rights groups and testified in court that he saw several victims of abductions inside the same safehouse. He now serves as a vital witness to the abduction of the two UP students who were also sighted by him inside the Fort Magsaysay headquarters (Castañeda 2007).

### **Recommendations**

Philippine President Gloria Macapagal-Arroyo cited national security and counter-terrorism as key result areas in her State of the Nation Addresses in 2005, 2006, and 2007 (Arroyo SONA 2005-2007). Nonetheless, involuntary disappearances continue, and are even widely acknowledged to be “extrajudicial killings” made by the military and the police. All stakeholders in Philippine society should take strong, active, and concerted efforts to eliminate this evil.

At the legislative level, both chambers of the Philippine Congress (the Senate and the House of Representatives) should pass the law that will make involuntary disappearance a criminal act by those who perpetrate it. House Bill No. 1913 remains to be passed. Both the Senate and the House should now deliberate and act on this bill.

At the executive level, President Arroyo should genuinely and efficiently address the problems of social inequities besetting and dividing the country. The Philippine Commission on Human Rights (CHR) and the Philippine Department of Justice (DOJ) should efficiently discharge their investigatory and prosecutory powers to track and bring the perpetrators to justice. The Armed Forces of the Philippines (AFP), the Philippine National Police (PNP), the National Bureau of Investigation (NBI), the Civilian Armed Force Government Units (CAFGU), and other duly constituted armed authorities should undergo stricter, intensive, and extensive disciplinary training programs to “humanize” and “moralize” the discharge of their duties. They should reaffirm their role as protector first of the people, and then the State (Constitution 1987, Article II, Section 3).

At the judiciary, Philippine trial courts should amply hear and decide disappearance cases, focus more on the substantial merits of the cases, and put a premium on the implications of their decisions over technical rules of procedure. The appellate courts should, in turn, give due

respect to the findings of the trial courts and uphold the same unless there is grave abuse of discretion. At the private sector, non-governmental agencies (NGOs), cause-oriented groups, and people's organizations (POs), should make a united front and forge mutual alliances to fortify their synergy. Private citizens, in turn, should be vigilant in the exercise and observance of their fundamental human rights. Any incursion should be reported immediately to the duly constituted authorities and even to NGOs who can give ample support.

As a global phenomenon, involuntary disappearance must be solved globally. Therefore, local campaign, to be effective, must be extensive enough to reach the international community. Local groups like FIND, Civil Liberties Union, Task Force Detainees of the Philippines (TFDP), Citizen's Crusade Against Violence (CCAIV), Citizen's Action Against Crime (CAAC), Association of Major Religious Superiors of the Philippines, Free Legal Assistance Group (FLAG), the Ateneo Human Rights Center (AHRC), the UP Institute of Human Rights, the UST Social Research Center, the Institute for Popular Democracy, Counsels for the Defense of Liberties (CODAL), Public Interest Law Center (PILC), and Peace Camp should work hand-in-hand with international bodies like the United Nations (UN), the International Criminal Court (ICC), the International Labor Organization (ILO), the Inter-Parliamentary Union (IPU), the International Criminal Police Organization (Interpol), the Association of Southeast Asian Nations (ASEAN), the European Union, the Institute for Humane Studies (IHS), Amnesty International, and Human Rights Watch in pursuing their objectives.

Involuntary disappearance, as a crime against humanity, carries with it legal and moral dimensions. As a legal wrong, it can be prosecuted only by the power of an effective law and legal system. However, as a moral evil, it cannot be resolved by any political power, military might, or civilian strength. Only through a genuine spirit of human compassion, a basic respect for human rights, and a true sense of civic duty can it be eradicated.

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## Key Areas in European Union Human Rights Enforcement

by Nikoletta Sebestyén

The idea of international protection of human and civil rights tracing back to the theoretical tradition of enlightenment and the historical reminiscence and loss and damage of World Wars and dictatorships provided a solid and inducing background for the further development of international law and regulations of international organisations (Council of Europe, United Nations, European Union etc.), furthermore, the most significant documents, charters and other sources of international law on human rights protection can be regarded as direct outcomes of the trauma of WWII. As a consequence, human rights protection became the core element of international organisations' founding principles and main purposes such like in the case of United Nations, the Council of Europe or the European Union and was codified in a range of international agreements and legal acts like Universal Declaration of Human Rights, Convention for the Protection of Human Rights and Fundamental Freedoms and Helsinki Final Act – just to mention the most significant ones (Bokorné Szegő 1999). In this article, I would like to differ from focusing on this broad spectrum of human rights protection and analyze the role of human rights protection as a normative principle for European Union internal policy and as a considerable priority in European Union external action.

Assessing the European Union's human rights enforcement, distinction should be made between 'internal' and 'external' dimension of European Union policies. In the 'internal' scope of action, the European Union acts as a normative player towards its institutions and Member States which is manifested in sources of community law (*acquis communautaire*) and setting up special institutions like European Ombudsman Office. As a normative actor, the European Union shares common values and principles so as to maintain and provide coherence inside the Union itself. Therefore, human rights are cornerstones of the organisations as they contribute to the Union's integrity by representing one of the main common values: 'The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States' (Art. 6 (1) TEU). The Charter of Fundamental Rights, initiated in Cologne European Council and proclaimed in 7<sup>th</sup> December 2000 Nice, means a crucial point in this aspect since it involves a wide spectrum of human rights and gives a comprehensive approach by summarizing them while outlining the six questions of dignity, freedoms, equality, solidarity, citizens' rights and justice. Therefore, the European Union emphasizes the importance of non-discrimination and equality of chance and tries to strengthen human rights enforcement, however, euthanasia, abortion, genetic tests and bioethics still remains a highly debated question.

At the same time, practical enforcement of human rights can differ according to Member States as it means a question of national implementation. Moreover, Amnesty International reports reflects that there are several cases of torture and ill-treatment by security forces, police and other state authorities still in the European Union Member States, which is highly criticized by the mentioned INGO.

Yet, there are proactive actions against discrimination and xenophobia by European Union, e. g. the diplomatic sanctions imposed on Member State, namely Austria can be regarded as a reiteration of principles of human rights and democratic principles. In the case of Austria, the cause of sanctions was the possibility of a government coalition with FPÖ-participation that could have inferred the chance for violating the common values and principles of European Union (Falkner 2001).

External relations can be a significant field of European Union activity in human rights enforcement likewise, whereas human rights represent a crucial point in the goals of Common Foreign and Security Policy set out in Treaty on European Union, Article 11 (1). As a foreign

policy actor towards Eastern Europe and Central Asia, the countries of Gulf Cooperation Council, Iran Iraq and Yemen and Asia, the European Union can be rather regarded as a reactive actor than a normative one, in spite of the fact that respect for human rights is core element of the European Union's partnership agreements. The reactive nature of European Union 'external' human rights enforcement is unambiguously expressed in its 'soft power' role and instruments as the European Union does not advocate the transplantation of human rights and democratic principles by military means, the promotion of enforcement of human rights and democratic principles should be achieved with the contribution of the third state. At the same time, European Union Member States are strongly divided in the question of transplantation of human rights and democratic principles by the mentioned mean, in the divergence in their relations with United States of America and in their assessment of United States' foreign policy instruments. The European Union's instruments for 'external' enforcement of human rights diverges from United States' and the European Union condemns the United States' role in significant human rights abuses arisen in the framework of "War on Terror", e.g. in case of Guantánamo Bay –where 400 people were detained at the end of 2006 according to Amnesty international data –, and of detention centres or "black sites", and use of torture in Iraqi jail interrogations by American soldiers etc.

The second reason for the European Union can be regarded a reactive actor in the field of human rights enforcement could be that it imposed restrictive measures several times on states that violated human rights, e.g. against China, Myanmar, Belarus.

In its relations with ACP-countries and its neighbourhood, the European Union is rather a stabilizing and normative actor that emphasizes the role of human rights enforcement in its relations, human rights are core elements in the Cotonou Agreements and the Euro-Mediterranean Partnership.

As for the Balkans and Eastern Europe, the Stability Pact for South Eastern Europe initiated by 1999 Cologne Council established a framework for cooperation in human rights enforcement by creating three working tables, of which the first working tables is responsible for democratization and human rights.

The European Union contributes to human rights enforcement by other activities, which involve election observations and assistance, e.g. in Kenya, in Ecuador, in Guatemala, in Sierra Leone, in Nigeria, etc.; human rights dialogues for combating the death penalty, torture, racism, war crimes and genocide; sponsorship for projects contributing to human rights enforcement and development of civil society in the framework of European Initiative for Democracy and Human Rights.

Regarding the institutional aspect of human rights enforcement, European Union established European Monitoring Centre on Racism and Xenophobia, moreover, its mandate was extended by the establishment of European Fundamental Rights Agency, which was created with the primary objective of providing assistance for the Community institutions and Member States of the European Union and operating a cooperation network with civil society (latter called 'Fundamental Rights Platform').

First and last, the European Union human rights enforcement activity can be regarded normative in the sense that one of the primary criteria for European Union membership is the respect for human rights (set out in Copenhagen criteria) and concerns them as the main feature of democratic system and common value. On the other hand, the normative or reactive character in human rights 'external' enforcement depends on the relations with the geopolitical- geostrategic region regarded.

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## One World, One Dream<sup>1</sup>?

by Papp Zsanett

The Olympic Games 2008 in Beijing are coming soon. The Chinese are preparing eagerly to host one of the most grandiose and impressive Games ever. Stadiums, sport arenas, buildings and roads have been built; a lot of foreign and domestic investments are stirring. New, more spectacular arts of sport have been installed into the Program to attract more viewers than ever to watch the

sixteen day competition between 202 nation's athletes in 28 sports and 302 races<sup>2</sup>. But have we forgotten the fundamental idea of the Games given by the antic Greeks and later in 19<sup>th</sup> century by Baron Pierre de Coubertin: "The goal, to contribute through sport a peaceful and better world without discrimination, and to enhance mutual understanding with a spirit of friendship, solidarity and fair play"<sup>3</sup>.

With this in mind, the right to be the host of the Olympic Games is not just a great honour but at the same time a great responsibility for the country and for the nation as well.

### Beijing and the Olympic Games

In July 2001 at Moscow, the International Olympic Committee chose Beijing to host the Games in 2008. China first applied for this right to organize the Games in 2000. Then the Committee awarded Sydney. The international community hardly believed that China could represent these values properly.

While China still has massive backlogs on the field of environmental and human rights protection, it has got the chance to prove itself.

Although the official slogan -"One World, one Dream"- is meant to be a call for the "whole world to join in the Olympic spirit and to build a better future for humanity", it is nothing more than an introduction to China as a leading actor in world power.

### In the shadow of the Great Wall

Notwithstanding, as the time of Olympic Games are approaching the number of the pledges connected with human rights is increasing from the side of Peoples Republic of China's government. But the first stage to real improvement would be to assure transparent legal circumstances to journalists, Web users, human rights NGOs, "weiquan lüshi"<sup>4</sup> – appointed lawyers specialized in human rights protection – to ease their work. Only a much more

<sup>1</sup> Official slogan of the Olympic Games 2008.

<sup>2</sup> Figures are from [http://en.wikipedia.org/wiki/2008\\_Summer\\_Olympics](http://en.wikipedia.org/wiki/2008_Summer_Olympics)

<sup>3</sup> [http://www.olympic.org/uk/organisation/index\\_uk.asp](http://www.olympic.org/uk/organisation/index_uk.asp)

<sup>4</sup> Cheng Li, China in the Year 2020: Three Political Scenarios, Asia Policy, Number 4, July 2007. p. 23.

independent judicial system and a strong civil society could help China to face at least some of their problems. PRC is strongly criticized for its use of the death penalty, unfair trials and tortures. An Amnesty International report<sup>5</sup> estimated that out of 2,790 people who were sentenced to death, 1010 were executed. Unofficially, this number is expected to be even higher. The conditions of prisons are humiliating just like the treatment of the prisoners. Torture is ordinary during the interrogation process. Lacking the transparency of bureaucracy, most of the asylum-seekers are refused.

Another surfeit is the repression of religious groups and autonomous regions- like Xinjiang Uighur and Tibetan. They are lacking the basic rights of freedom and the members of these groups are suffering from discrimination in labour, education, and healthcare, to mention only a few. But it's not just these groups which are negatively distinguished. Rural Han Chinese are distressed too. Their status is even more desperate. Recent, unsustainable economic growth causes mounting, irreversible environmental and social problems. People of the countryside have no other choice to move to cities, otherwise they could not feed and cloth their families. The unfettered development without any environmental foreseeing forced 400 million Chinese to migrate to already overcrowded towns to find new homes and new jobs.<sup>6</sup>

The economic miracle which turned to environmental disaster<sup>7</sup> also encumbers to ensure the basic dignity of life for citizens, like access to clean, piped water, clean air, safe food, housing, basic health care. Thousands are thriving from diarrhoeal diseases, cancer, tumours caused by contaminated water and poisoned foods.

China is also source and destination of human trafficking, not just internally, but internationally. The primary targets are socially and economically peripheral faction of society. Most often the victims are women, against whom violence and discrimination is regular, Vietnamese and North Korean refugees, and children. North Korean women refugees and young girls are forced to prostitution or sold as brides<sup>8</sup>. Briefly these are the most urgent challenges for the PRC government and society to develop into a leading regional power and to real world power.

### **Who depends on whom?**

The Western world tends to speak about these problems like issues. But these are cross connected, and a deep rooted inconvenience. China cannot manage to handle these alone. And the landscape of an icon to follow is also empty. The Western world has long ago lost the tools to leverage China, neither morally nor materially. The expected helping hand has become a begging hand. The profit which is ensured by a dynamically rising economy, huge market, and busy human resource is evidently irresistible for TNC and developed countries.

U.S.A., the biggest warrior of democratic values and human rights, is economically deeply engaged with China. The trade between the two countries was 343 billion dollars in 2006 China is the major foreign holder of U.S debts and "U.S. GDP is 0.6 percent higher today than it otherwise would be as a result of trade and investment with China since 2001."<sup>9</sup> Of course, others like the European Union and Japan have crucial investments and interests in the region which they do not want to risk.

And there is an organization like UN Human Rights Council, which does not have any money-making interests, but also does not have any authority to sanction. Without the power to implement its reports, it loses its authenticity. This fact decreases the likelihood and potency to cooperate with it.

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<sup>5</sup> <http://thereport.amnesty.org/eng/Regions/Asia-Pacific/China>

<sup>6</sup> Elizabeth C. Economy, „The Great Leap Backward?”, Foreign Affairs, 2007, Vol.86, p.41

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<sup>8</sup> <http://thereport.amnesty.org/eng/Regions/Asia-Pacific/China>.

<sup>9</sup> Jason T. Shaplen and James Laney, „Washington's Eastern Sunset”, Foreign Affairs, 2007, Vol.87, p.84.

## One dream, different realities

After all, topics like human rights, environmental protection became empty phrases from both sides during the bargain about money, interests and power. But is not the obstacle of business. China obviously sees in every critic an offence against its non-democratic political system and its emerging economy. And most criticizers, who have the ability to act, obviously see China as challenger but at same time a source of great chances and easy money.

So who really cares and who does not of human rights and fundamental liberties?

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## The Attitude of the USA towards Human Rights

By Kamilla Németh



After the enormous pain and suffering of the Second World War people urged the acceptance of a document which protects human rights and fundamental liberties thus on December 10, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. Unfortunately, despite the fact that numerous countries accepted the document they do not obey its points. The biggest problems exist in developing countries and most people pay attention to

this area. Nonetheless, I would like to focus on the other side of this topic, namely on how the western politics violate this proclamation.

The US Constitution is the oldest one in force and even though the individual rights were included just in the Amendments, they have attached to them high importance lately. For this reason, the former writers of the Constitution would be quite disappointed if they could see the actual political behavior in the USA.

Nevertheless, it is not the current Bush Administration which started to broaden the legal rights and responsibilities of the President, but this process is reaching its climax nowadays. As far as I’m concerned, the USA is responsible for breaking repeatedly human rights in various dimensions. Moreover, I will justify that in most cases when the USA violates human rights she violates constitutional rights as well. Why is it important? First of all, the U.S Constitution had a considerable influence on the Universal Declaration of Human Rights. Therefore, I think the USA should pay attention to these rights more seriously than any other

country. In addition, it seems to me that many countries follow in USA's footsteps so she should give them an excellent example.

To start with, I will make a distinction geographically. It seems to me that the USA violates human rights in her country and in other countries as well. I divided into three other classes those violating of human rights which are committed in her country as a result I will present four groups. In my first group, I list the points from the most serious violation of human and constitutional rights to the indirect or shaded violation of these rights. Nonetheless, in my opinion, all of them can be considered as breaking the laws

My first class in the American territory deals with the concrete breaking of human rights. An explicit and unambiguous violation of human rights is the existence of Guantanamo jail in which prisoners could be held without a court procedure and their guilt is based on suppositions. In the Universal Declaration of Human Rights more articles judge this treatment of the detainees. *"No one shall be subjected to arbitrary arrest, detention or exile."*(Universal Declaration of Human Rights 1948, Article 9)

*"Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him"*(Universal Declaration of Human Rights 1948, Article 10)

*"Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence."*(Universal Declaration of Human Rights 1948, Article 11/1)

The US Constitution prescribes almost the same:

*"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the Witness in his favor, and to have the Assistance of Counsel for his defence."*(The US Constitution, Amendment VI. 1791)

In fact, this example shows us, how the USA breaks constitutional and human rights at the same time.

The second class in the first group includes the actions which actually do not break constitutional rights. I would say that these acts break indirectly the Constitution, but break directly the Universal Declaration of Human Rights.

In my example, I would like to examine the inspection of the e-mails of certain people accused of participation in terrorism. On the one hand, the Constitution allows interference in the correspondence of people whom the President has strong suspicion. On the other hand, we still do not know on what kind of information these suspicions are based on.

According to the Declaration of Human Rights *"No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks."*(Universal Declaration of Human Rights 1948, Article 12) As we can see these inspections violate directly this document and in fact the US Constitution declares almost the same. The only difference is that "strong suspicion" but as I mentioned in this case the President could not support his suspicion thus he did not obey all points of the Constitution. As I mentioned, this action breaks indirectly the Constitution.

*"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."*(The U.S Constitution, Amendment IV. 1791)

The third class contains the ambitions of representatives which do not happen and this is the only reason that they do not break written human rights. Anyway I enumerate them because in my opinion the representatives broke religious beliefs.

My example is the case of that Muslim lawmaker who got under fire because he wanted to take the oath of his office with his hand on the Koran. The aim of the representatives was that the lawmaker should not have been allowed to do this. I firmly believe that this request totally breaks human rights. Anyway this case is not unique in the USA. As far as I am concerned, the freedom of religion is one of the most important orders of the Declaration of Human Rights. It declares that:

*“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”* (Universal Declaration of Human Rights 1948, Article 18)

and if we read thoroughly the US Constitution it prohibits also the religious discrimination.

*“The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a qualification to any Office or public Trust under the United States.”* (The U.S. Constitution, Article VI.)

My second group presents the breaking of human rights by the USA in other countries. It strikes me that another dimension of violating human rights is the politics which can be legal but hurts common decency and has controversy about public policy and moral issues that a lot of people have strong feelings about.

My examples are all of the wars that were started by the USA for false reasons. The whole world follows these military expeditions triggered by the Bush Administration to use their words “against terrorism”.

I made this second group because I feel that even though in this case the USA does not violate written rights it is clear for everybody that these attacks are motivated by other facts. These attacks held by the USA serve clearly its great power ambitions. I would name this. It seems to me like a modern crusade, since there is a striking similarity between the ways the Medieval Church organized crusades to convert the infidels in the Holy Land and how the Bush Administration organizes these attacks against the Middle-East. The USA says she wants to fight against terrorism but in fact she wants their “treasures”, in other word, their oil and if this is the case, the USA violates morals because this is cannot be acceptable in the 21<sup>st</sup> century by any country. Nonetheless, I firmly believe that the USA is not the only responsible for this situation thus the whole world views it idly. It seems to me that many organizations protest just against the violating of the accepted laws however in my opinion the situation is more subtle. Politics uses unethical practices and for me this is also a kind of humiliation of people in democratic countries where the electorates give the representatives a vote of confidence.

All things considered, the Bush Administration breaks not just the American people’s human rights and that people’s human rights who live in a country attacked by the USA but those people’s rights also who share a compassion for victims of wars. The fact that these acts can be committed by one of the oldest and most massive democracy in the world shows us that it is about time to find a new ideal to follow.

To summarize, I have presented how I see the attitude of the USA to human rights. I firmly believe it has a significant importance that the USA breaks constitutional rights because there is a coincidence of the US Constitution and the Universal Declaration of Human Rights. Finally, I emphasized that we have to follow not just the written and accepted policies of human rights and we can violate not just them. In everybody’s life there are the models that we learnt in our community and that are accepted by our social class. These norms are not

written and can vary in every country, yet breaking them and giving up our morals can be the biggest crimes committed against humanity.

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## ALMA MATER



### Hungarian Association of Students of Political Sciences

The Hungarian Association of Students of Political Sciences ('Politológus Hallgatók Országos Egyesülete' – PHE) is a unique organisation in the Hungarian higher education, as its membership comes from all the bigger Hungarian universities and colleges, among them and not only political science students of different levels (BA, MA and PhD), but also students from 'joint-sciences' (history, international relations,

European studies, political philosophy etc.), and also young social scientists until the age of 36. PHE is politically free, neutral and independent, and intends to reach its main goals, which are safeguarding of interests of students, and provide a professional forum for scientific, public and communal activities. Actually sciences and fun can be connected as PHE has already proven successfully.

### History

PHE was re-established at 2006 by 10 young political scientists. (The organisation existed at the late '90s, only in one faculty of Budapest. Then in 2001 it disbanded as no one was keen to go on with.) At the end 2006 the founding board resigned in order to let a representative board to be elected. The new board has started its job at the beginning of the New Year.

### Programmes and publications

PHE organises two big conferences annually, at springs the 'Roaming Conference' of Political Science Students, and at autumns the Conference of Young Political Scientists of the Carpathian Basin, and also numerous local round-tables, meetings in different cities of Hungary. Beyond them there are other activities PHE is involved, some of the alongside of PPT (Political Science Discourse Association), PHE's partner organisation. One of them is the Political Science Discourse Summer University and Camp held at the end of August, at Lake Balaton, an other is the annual study trip of 40 members to Brussels and the European institutions. One of PHE's main tasks is to help its members to publish their scientific results. It publishes *Politika.hu* (Journal of Young Political Scientists), the monthly magazine of the organisation, and joint-publisher of *Társadalom & Politika* (Society & Politics) quarterly of Social Science Discourse, and joint-publisher the Political Science Analyzes book-serial.

### Structure

PHE has almost 300 members, which is significant if we take into consideration that PHE just had its one-year-birthday at this autumn.

The executive body of PHE is the Board of seven members (the president, two first-vice presidents and four vice-presidents) elected for two years. Its legislative, decision-making power is the General Assembly (GA) which gathers and holds its meeting at least once a year,

but in fact rather twice a year. All PHE members have voting rights in GA. Its consultative body is the so-called Governing Committee (ÜT) which represents all faculties with PHE members. It has its meetings approximately every month between the annual meetings of the GA. The three member Supervisor Committee is in charge of the legal and functional control of PHE.

### **Future plans**

PHE intends to continue and improve its activities, and start new ones (country-wide social sciences quiz, PhD conference, informal meetings, (local) club activity etc.), meet new people, and spread its vision on democracy, freedom, and the European culture of political (science) discourse for youngsters at different summer festivals. PHE wishes to improve (and actually form) its international relations, on bilateral, and multilateral level (the latter mostly within IAPSS), too. More details about PHE can be found at [www.phe.hu](http://www.phe.hu), at the moment, unfortunately, only in Hungarian.



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Topic: political science, international relations, international law, political economy, public policy or a related field

Deadline: **31<sup>st</sup> of January, 2008**

The Editorial Board of Politikon invites graduate and undergraduate students to submit papers for review and possible publication in its 13<sup>th</sup> edition.

Contact: [politikonjournal@iapss.org](mailto:politikonjournal@iapss.org).

### **A DIFFERENT VIEW, IAPSS**

19<sup>th</sup> Edition, 2008

Topic: Man and Democracy: How Individuals Benefit from Democratic Rule

Deadline: **4<sup>th</sup> of January, 2008**

The Editorial Board of ADV invites graduate and undergraduate students to submit short academic and opinion articles for publication in its January 2008 issue.

Contact: [IAPSSADV@gmail.com](mailto:IAPSSADV@gmail.com)

### **OTHER NEWS**

#### **IFISO Meeting**

The second IFISO meeting for the year 2007 was organized by ESTIEM in Budapest, Hungary from 14<sup>th</sup> till 19<sup>th</sup> of November. IFISO is the Informal Forum of International Students' Organizations where representatives of the international boards of the most important international students' organizations participate in order to exchange ideas, brainstorm on new projects and establish new co-operations among the organizations. IAPSS had mass participation this time. It was the Chairperson Alexandros Samaras, the Secretary General Marius Dobai, the former Chairperson Stefan Cibian and the Liaison Officer for the Council of Europe Stephan Schatzmann attending it. Apart from the IFISO meeting, this trip to Budapest was an opportunity for the international board of IAPSS to meet students of the local association member IAPSS-CEU. They exchanged some ideas, they discussed on specific topics about the organization and of course, they didn't miss out on the opportunity to have an active social life all together.

#### **MASTERSPORTAL EMPOWERING THE FUTURE MASTERS STUDENTS OF EUROPE (MasterPortal.eu)**

Hereinafter you can read Marius Dobai's brief about MasterPortal.eu.

The Bologna Process is gaining momentum. Within 3 years, 29 member states will have changed their higher education system to a 3-tier, Bachelor, Master, PhD system. The goal is to increase student mobility and attractiveness on the global market. For the student, the most obvious result will be that they suddenly have easy access to tens of thousands of different programmes. Transparency and mobility will increase as nationality cease to play any role.

This opens up new opportunities for students and universities. For students, there is no longer a natural boundary around their home countries imposed by different credit system, difficult transfer systems and often altogether different study systems. The new system with bachelor, master and Phd levels and a common credit system will increase mobility on a scale never seen before. Instead of enrolling at the local university and then do an exchange semester at one of the university's partners, the students now have the entire field to choose from. When this is fully implemented it is entirely possible and simple to do your bachelor at your home university, your master in Italy and your PhD in Hungary only depending your interest and that you have the right academic prerequisites.

For the universities this opens up new opportunities but also new challenges. Popular universities will see an increase in applications when the base of possible applicants increase manifolds. At the same time universities which before had a stable supply of students now can see these students suddenly move abroad to more enticing prospects. In the long run, universities have to work with profilation and quality to retain and attract students.

However, there is one small problem. How do you find all these programmes? When you go to Google and search for “masters programmes” you get over 5 million hits about programmes belonging to different faculties or departments at different universities. If you go to your student counsellor he or she will tell you about an EU site called PLOTEUS which list all Masters in Europe. The problem here is that you only get a name, the university and the teaching language. You still have the ability to go to each of the sites to find more info but that can be quite time consuming if you have about 1000 programmes to chose from.

The MasterPortal.eu project started as a student project to display all Masters Programmes in Europe in a comprehensible and comparable way. The idea was to give students a powerfull search tool for finding their favourite programme. Therefore it’s possible to search for several different parameters like different tuition levels, duration, full time/ part time, keywords etc. The results are then displayed with a short description with a full description one click away. The full description contains all important information that students would look for with links to the programme’s website and contact information

With easy access to information about thousands of programmes in and around Europe we believe that students will be able to find “their” programme. Hopefully this will also put pressure on the universities to increase quality and content to retain their students. In the long run this will increase the status of European higher education and start attracting all those foreign students that now almost single-mindedly goes to the US to study.

## **NEWS FROM THE OPPORTUNITY CENTER**

(With kind help of Dina Kosmidou IAPSS OC)

### **SCHOLARSHIPS**

Hispanic Students and Study Abroad (HACU), global  
Master’s in Public Policy, Public Administration, Harvard University, USA  
Master of Arts in Peace Studies, University of Notre Dame, USA

### **CONFERENCES**

16<sup>th</sup> Annual Illinois State University Conference for Students of Political Science  
Annual Canadian Political Science Students Association Conference

### **CALL FOR PAPERS**

The HUMSEC Journal

## **SCHOLARSHIPS**

### **HISPANIC STUDENTS AND STUDY ABROAD (HACU)**

one semester

Scholarship / Financial aid: **scholarships available**

Deadline: **March 15, 2008**

The Hispanic Association of Colleges & Universities has partnered with Global Learning Semesters to increase the number of Hispanic students engaged in study abroad. Over the next ten years, the goal of our far-reaching partnership, the Hispanic Global Alliance is to reduce this gap and help tens of thousands more Hispanic students study abroad.

You are eligible for the HSAS program if you are attending a semester-long Global Learning Semesters program and attend a HACU member institution that has activated its HSAS account. Generally speaking, students applying to Global Learning Semesters programs must meet the following criteria:

- Be at least 18 years of age;
- Have completed at least two semesters in college by the time of the program or earned the equivalent credits;
- Be in good disciplinary and academic standing;
- Have a minimum GPA of 2.5.

Applying to the HSAS program is very simple. If you attend a HACU institution and are applying to a Global Learning Semesters program, you will automatically see two additional questions on your online application. The questions that you will be asked are:

1. Would you like to submit an application for the HSAS program?
2. Please write a brief personal statement explaining how you believe Study Abroad will be important to your personal and career development?

### **MASTER'S IN PUBLIC POLICY, PUBLIC ADMINISTRATION**

John F. Kennedy School of Government, Harvard University, USA

2007-2008 academic year

Scholarship/Financial aid: scholarships and work-study funds are offered

Deadline: **4<sup>th</sup> of January, 2008**

The Kokkalis Program strives to support individuals committed to invigorating the public sector in Southeastern and East-Central Europe by providing fellowships for study at Harvard's John F. Kennedy School of Government.

Eligible to apply for a 2008 Kokkalis Fellowship are natives of Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Greece, Hungary, the Former Yugoslav Republic of Macedonia, Moldova, Montenegro, Romania, Serbia, Slovenia and Turkey who are applying for one of the following degree programs: Master in Public Policy (MPP); Master in Public Administration (MPA2); Mid-Career Master in Public Administration (MC/MPA); Master in Public Administration in International Development (MPA/ID).

Candidates with academic and/or professional backgrounds in one of the following fields are highly encouraged to apply: public policy and/or administration, the non-profit sector, law, economics, social sciences, or related fields. All applicants should demonstrate a strong commitment to public service and the region of Southeast Europe.

Candidates must complete both the online Kennedy School application for admission and Kokkalis Fellowship application.

Contact: [www.ksg.harvard.edu](http://www.ksg.harvard.edu)

### **MASTER OF ARTS IN PEACE STUDIES**

University of Notre Dame, South Bend, Indiana, USA

two-year program

Scholarship/Financial aid: scholarships and stipends available

Deadline: **5<sup>th</sup> of January, 2008**

The Kroc Institute for International Peace Studies at the University of Notre Dame in South Bend, Indiana (USA) seeks outstanding students who have demonstrated a serious commitment to international justice and peacemaking for our Master of Arts in Peace Studies.

The two-year multidisciplinary program offers:

- Rigorous academic coursework taught by distinguished faculty;
- An international student body that forms a vibrant cross-cultural community;
- Theory and practice integrated through a five-month internship in Africa, the Middle East, Asia, or the United States;
- Financial aid in the form of scholarships and stipends.

We prepare students for careers in peace-building, including research and teaching at colleges and universities, leadership in government and nongovernmental organizations, diplomacy, conflict resolution, and social action. Students accepted to the program join a network of hundreds of Kroc-trained peace-builders from 90 countries around the world.

Contact: [www.nd.edu](http://www.nd.edu)

Contact person: Jaleh Dashti-Gibson, Director of Academic Programs, [kroc-admissions.1@nd.edu](mailto:kroc-admissions.1@nd.edu)

### **PEACEKEEPING AND INTERNATIONAL CONFLICT RESOLUTION**

**Ankara, Turkey**

Scholarship / Financial aid: two scholarships are available

Date: April 26 - 27, 2008

Deadline: **April 6, 2008**

This short course is organized in three meetings and designed to offer to the students a basic understanding of the field of Conflict Resolution and its application to peacekeeping intervention in contemporary international conflicts. The lectures will cover the following topics: The nature of conflict; Key concepts of conflict resolutions; Contemporary conflict dynamics; Conflict mapping; Early warnings and conflict prevention; Peacekeeping and conflict resolution in war zones; Peace settlements and post-conflict peace building; The role of culture in conflict resolution; Gender issue. The scholarships will cover only the tuition fee of the course.

Contact: [account@eastweststudies.org](mailto:account@eastweststudies.org)

## CONFERENCES

### **16<sup>TH</sup> ANNUAL ILLINOIS STATE UNIVERSITY CONFERENCE FOR STUDENTS OF POLITICAL SCIENCE**

April 4, 2008

Bone Student Center, Normal, Illinois, USA

Deadline: **17<sup>th</sup> of February, 2008**

All undergraduate and graduate students are invited to submit papers for the fifteenth annual Illinois Conference for Students of Political Science. Submitted papers can be on any topic related to government and/or politics. All subfields and political perspectives are welcome. Panelists at last year's conference included 60 students attending 24 colleges and universities. If you are interested in participating in this exciting event, complete the online application or submit a cover letter, by February 17, 2008 to:

Website: <http://www.politicsandgovernment.ilstu.edu/current/conferences/>

Contact person: Dr. Gary Klass and Dr. George Kiser, 4600 Department of Politics and Government, Illinois State University, Normal, IL 61790-4600

### **CANADIAN POLITICAL SCIENCE STUDENTS ASSOCIATION CONFERENCE**

From January 17<sup>th</sup> to 20<sup>th</sup>, 2008

Cornett, Canada

The University of Victoria Undergraduate Politics Society is hosting the annual Canadian Political Science Students Association Conference. This year's theme is "Putting Political Theory to Work". Over the week students will have the opportunity to attend lectures from professors from the University of British Columbia, University of Victoria and Simon Fraser University on topics such as media and technology, security, environment and Indigenous studies.

Website: [www.cpssa-aespc.org](http://www.cpssa-aespc.org),

[events.uvic.ca/calendar.php?type=day&calendar=1&day=17&month=01&year=2007](http://events.uvic.ca/calendar.php?type=day&calendar=1&day=17&month=01&year=2007)

Contact person: Meredith Scroggins [mmscrogg@uvic.ca](mailto:mmscrogg@uvic.ca)

## CALL FOR PAPERS

### **HUMSEC Journal**

2<sup>nd</sup> Edition of HUMSEC

Topic: "The influence of transnational terrorist and criminal organisations on the state and on the society"

Deadline: **14<sup>th</sup> of January, 2008.**

The HUMSEC Journal aims to widen the discussion on the issue of human security in general and in particular on the impact of transnational terrorist and criminal organizations on the peace-building process of the Western Balkan region, the influence of transnational and criminal organisations on the state and on the society, and the connection between transnational terrorist and criminal organisations in the Western Balkan region. The Editorial Board welcomes original scientific papers addressing the issues of human security, terrorism and organised crime.

Website: [www.humsec.eu](http://www.humsec.eu)

Contact: [journal@humsec.eu](mailto:journal@humsec.eu)

## **OTHER USEFUL THINGS**

### **Save 50% on SAGE Books**

#### **Sale ends 31<sup>st</sup> of December, 2007**

Remember that book by one of the top names in your field that you didn't buy? Or that reference collection that your library budget didn't quite stretch to?

The books in our winter sale include textbooks, professional books, academic works, reference collections and handbooks, and all are available at 50% off but only for a limited period, and while stocks last. Whether you are an academic, practitioner, researcher, or student, with more than 950 of our titles discounted, across all subject areas, you are sure to find the perfect addition to your scholarly bookshelf.

Contact: <http://www.sagepub.co.uk/>

Contact person: Harriet Baulcombe, Marketing Manager

## **USEFUL LINKS FOR THE TOPIC OF MONTH**

### **ORGANIZATIONS**

#### **Human Rights Watch – Defending Human Rights Worldwide**

Human Rights Watch (HRW) is dedicated to protecting the human rights of people around the world. HRW stands with victims and activists to prevent discrimination, to uphold political freedom, to protect people from inhumane conduct in wartime, and to bring offenders to justice. HRW investigates and exposes human rights violations and hold abusers accountable.

Contact: [www.hrw.org](http://www.hrw.org)

#### **UN Human Rights Council**

The Council represents a great new chance for the United Nations, and for humanity, to renew the struggle for human rights. The mandate includes preventing human rights violations, securing respect for all human rights, promoting international cooperation to protect human rights, coordinating related activities throughout the United Nations, and strengthening and streamlining the United Nations system in the field of human rights. In addition to its mandated responsibilities, the Office leads efforts to integrate a human rights approach within all work carried out by United Nations agencies.

Contact: [www.ohchr.org/english/bodies/hrcouncil](http://www.ohchr.org/english/bodies/hrcouncil)

## **HUMAN RIGHTS LEGAL AND POLITICAL DOCUMENTS**

### **Universal Declaration of Human Rights**

The UDHR is the first international statement to use the term “human rights”, and has been adopted by the Human Rights movement as a charter. It is short, and worth reading in its entirety. (<http://www.un.org/Overview/rights.html>)

### **Covenant on Civil and Political Rights**

This covenant details the basic civil and political rights of individuals and nations. Among the rights of nations are: the right to self-determination; the right to own, trade and dispose of their property freely and not to be deprived of their means of subsistence. The covenant forbids torture and inhuman or degrading treatment, slavery and involuntary servitude, arbitrary arrest and detention, and debtor's prisons. It also forbids propaganda advocating either war or hatred based on race, religion, national origin, or language.

It provides for the right of people to choose freely whom they will marry and to found a family, and requires that the duties and obligations of marriage and family be shared equally between partners. It guarantees the rights of children and prohibits discrimination based on race, sex, color, national origin, or language. It also restricts the death penalty to the most serious of crimes, guarantees condemned people the right to appeal for commutation to a lesser penalty, and forbids the death penalty entirely for people less than 18 years of age.

After almost two decades of negotiations and rewriting, the text of the Universal Covenant on Civil and Political Rights was agreed upon in 1966. In 1976, after being ratified by the required 35 states, it became international law. (<http://www.ohchr.org/english/law/pdf/ccpr.pdf>)

### **Optional Protocol to the Covenant on Civil and Political Rights**

The protocol adds legal force to the Covenant on Civil and Political Rights by allowing the Human Rights Commission to investigate and judge complaints of human rights violations from individuals from signatory countries. ([www.unhchr.ch/html/menu2/8/oppro.htm](http://www.unhchr.ch/html/menu2/8/oppro.htm))

### **Covenant on Economics, Social and Cultural Rights**

This covenant describes the basic economic, social, and cultural rights of individuals and nations. In addition, this convention forbids exploitation of children, and requires all nations to cooperate to end world hunger. Each nation which has ratified this covenant is required to submit annual reports on its progress in providing for these rights to the Secretary General, who is to transmit them to the Economic and Social Council. ([www.ohchr.org/english/law/cescr.htm](http://www.ohchr.org/english/law/cescr.htm))

### **UN Convention on the Condition of the Wounded and Sick in Armed Forces (I) – Geneva Convention**

The first Geneva Convention focuses on the rights of individuals, combatants and non-combatants during war. It is a very detailed document, perhaps because human rights are rarely at such risk as wartime and, in particular, involving prisoners of war or enemy captives.

([www.hrweb.org/legal/geneva1.html](http://www.hrweb.org/legal/geneva1.html))

### **Convention against Genocide**

This convention bans acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group. It declares genocide a crime under international law whether committed during war or peacetime, and binds all signatories of the convention to take measures to prevent and punish any acts of genocide committed within their jurisdiction. The act bans killing of members of any racial, ethnic, national or religious group because of their membership in that group, causing serious bodily or mental harm to members of the group, inflicting on members of the group conditions of life intended to destroy them, imposing measures intended to prevent births within the group, and taking group members' children away from them and giving them to members of another group.

The remainder of the Convention specifies procedures for resolving disputes between nations about whether a specific act or acts constitute(s) genocide, and gives procedures for ratification of the convention. (<http://www.hrweb.org/legal/genocide.html>)

### **Convention against Torture**

This convention bans torture under all circumstances and establishes the UN Committee against Torture. In particular, it defines torture, requires states to take effective legal and other measures to prevent torture, declares that no state of emergency, other external threats, nor orders from a superior officer or authority may be invoked to justify torture. It forbids countries to return a refugee to his country if there is reason to believe he/she will be tortured, and requires host countries to consider the human rights record of the person's native country in making this decision.

The CAT requires states to make torture illegal and provide appropriate punishment for those who commit torture. It requires states to assert jurisdiction when torture is committed within their jurisdiction, either investigate and prosecute them, or upon proper request extradite suspects to face trial before another competent court. It also requires states to cooperate with any civil proceedings against accused torturers.

Each state is obliged to provide training to law enforcement and military on torture prevention, keep its interrogation methods under review, and promptly investigate any allegations that its officials have committed torture in the course of their official duties. It must ensure that individuals who allege that someone has committed torture against them are permitted to make an official complaint and have it investigated, and, if the complaint is proven, receive compensation, including full medical treatment and payments to survivors if the victim dies as a result of torture. It forbids states to admit into evidence during a trial any confession or statement made during or as a result of torture. It also forbids activities which do not rise to the level of torture, but which constitute cruel or degrading treatment.

The second part of the Convention establishes the Committee against Torture, and sets out the rules on its membership and activities.

The Convention was passed and opened for ratification in February, 1985. At that time twenty nations signed, and five more signed within the month. At present sixty five nations have ratified the Convention against torture and sixteen more have signed but not yet ratified it.

([www.hrweb.org/legal/genocide.html](http://www.hrweb.org/legal/genocide.html))

### **Convention on Elimination of Discrimination against Women**

This convention bans discrimination against women. ([www.un.org/womenwatch/daw/cedaw/](http://www.un.org/womenwatch/daw/cedaw/))

### **Convention on the Rights of the Child**

The convention bans discrimination against children and provides for special protection and rights appropriate to minors. ([www.unhchr.ch/html/menu3/b/k2crc.htm](http://www.unhchr.ch/html/menu3/b/k2crc.htm))

### **Charter of the United Nations**

The Charter of the United Nations contains some important human rights provisions, in addition to containing the framework for the organization as a whole. ([www.un.org/aboutun/charter/](http://www.un.org/aboutun/charter/))

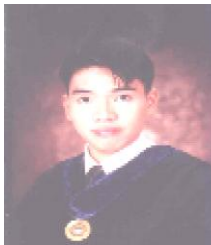
## **ABOUT THE AUTHORS**



**Bakar Berekashvili** is a Co-Editor of A Different View. In 2006 he graduated Department of Political Science at Tbilisi State University (Georgia). As a visiting student he also studied at the University of Ljubljana in Slovenia. In fall 2007 Bakar completed internship at the Institute for European Policy in Prague, Czech Republic. His research interests include: Political Philosophy, Central and Eastern European Politics and History, Philosophical Basis of the Doctrine of Human Rights and Political Cinema. Currently, Bakar works for Civic Integration Foundation in Tbilisi.



**Gábor Beregszászi** is a 20 years-old Political Science student at Corvinus University of Budapest, Hungary. His research interest is situated in the field of Comparative Politics: the democratization process, and the regime-transition. He also has a strong interest in the Politics of European Union. His hobbies are learning foreign languages, reading, writing, and travelling.



**Michael Teodoro G. Ting Jr.** holds a Legal Management degree (magna cum laude) from the University of Santo Tomas, and is studying for a Juris Doctor-Master of Business Administration dual degree at De La Salle Professional Schools and Far Eastern University Institute of Law. He has studied Political Science, Conflict Analysis, and Journalism at AIDE, the United States Institute of Peace, and Penn Foster College. He was a 2003 Philippine Nominee to the Georgia Rotary Student Program, and a 2007 Golden Wikipedia Awardee. His research interests include human security, corporate social responsibility, environmental conservation, global economy, poverty alleviation, and international diplomacy. His hobbies include reading, writing, Internet surfing, playing computer games, watching television and movies, baking cakes and pastries, bonding with cats, and breeding tropical fish.



**Nikoletta Sebestyén** is a student of University of Miskolc (Hungary), Faculty of Arts, Political Science major. In the framework of the Erasmus-program, she spent 3 months in University of Macedonia, Thessaloniki, Greece. As an acknowledgement of her studies, she was awarded the grant of the Hungarian Ministry for Education and Culture (so-called 'Republican Grant'). Her primary research interest is the external relations and Common Foreign and Security Policy of the European Union, the impact of transatlantic relations and armaments on the political integration of the European Union and

European Security and Defence Policy.

**Zsófia Papp** currently studies at Eötvös Loránd University International Affairs at Faculty of Social Sciences. Her area of specialty is studies of European Union. I also study Japanese-Tibetan at Faculty of Humanities. Beside these, she is devoted to environmental and world security topics. Her short-term aim is to write a National Scientific Student Workshop's essay in subject of the European Union's foreign and security policy. Her long-term aim is to achieve a position in the diplomatic sphere. She speaks in English, German, and Bulgarian. Currently she is learning Japanese. Her hobbies are fencing, running, hiking, reading.



**Kamilla Németh** is studying Politics and French Language at the University of Szeged, Hungary. She holds a degree in European Politics. She is interested in Political Psychology and human rights. In the future, she would like specialize in the Middle-East conflict.

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