# alice

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# Human rights

A SPECIAL EDITION BY THE ASH BERLIN

# Human rights

The ASH Berlin is delighted to be hosting the 2017 annual conference of the German Association of Social Work. This is dedicated to the topic of "Social Work and Human Rights". For us this is an opportunity to further highlight topics from the field of social work, education, health and human rights as core subjects for the alice magazine. The following articles show what is being researched, taught, learnt and practised at the ASH Berlin on this topic, and they also highlight current questions, discourses and positions relating to human rights.

## Human rights

# Social work and human rights –
# ideas and premises at the
# DGSA annual conference 2017

The Board of the DGSA[1]

We are delighted to be holding the annual DGSA conference on 28 and 29 April 2017 on the subject of "Social Work and Human Rights" and to be working with the ASH Berlin. By looking at this controversial and topical issue, we want to strengthen the connection to human rights in the professional discussion of social work and to clarify what the so-



The current DGSA Board (left to right): Sonja Kubisch, Dieter Röh, Claudia Steckelberg, Michaela Köttig, Stefan Borrmann, Christian Spatscheck and Barbara Thiessen

cially relevant tasks and functions of social work in this field are.

Models and catalogues of human rights serve as central reference points for numerous discourses in the theory and practice of social work. In theoretical models the realisation of human rights is conceptualised as a real utopia, conceptual aspiration, ethical framework for professional conduct, a reference for dealing with dilemmas and for orientation when dealing with demands that are counter to human rights. The active and passive use of the UN system for the protection of human rights is discussed in practice, and many practitioners of social work find human rights to be both a visionary and concrete orientation for their professional conduct. Key international social work position papers relate to the implementation of human rights. And, not least, social movements and alliances of addressees relate

their activities to the realisation and extension of human rights.

Human dignity is the cornerstone of the concept of human rights. Individuals attain their human rights by virtue of being human; they do not need to satisfy any conditions to acquire human rights. At the same time, however, whether human rights are realised always depends on individuals and societies who respect human rights as an aspect of social, state, familial and community behaviour and foster their acceptance. Processes for realising human rights have been and remain conflict-ridden and dependent on the influencing factors of interests, power and dominance in a society.

Currently, there is a new challenge to the preservation of human rights. The behaviour of fundamentalist, nationalist, authoritarian and austerity-orientated actors has a limiting effect on the realisation of human rights across various areas of life and societies and suppresses achievements in the field of human rights. At the same time, societies experiencing increasing social division and pluralisation face the challenge of agreeing on shared normative reference points and principles.

As a profession and discipline, social work is confronted with the challenge of situating itself in these debates about the discourse around human rights in a reflected and deliberate manner and to actively position itself in the discussions. However, in many fields of social work there has to date been a low level of systematic knowledge about the implementation and structure of interventions that promote human rights. What is more, places where concepts, research results, strategies and experiences in the promotion and realisation of human rights can be exchanged are few and far between.

Against this background, the 2017 annual DGSA conference will provide a forum where the different levels of the relationship between social work and human rights as well as deployment areas can be discussed using empirical, theoretical and application-orientated approaches. Also, professional limitations on social work should be critically reviewed.

We are delighted to have won the ASH Berlin, a high-profile and committed partner, for this event. We also look forward to conference in Berlin that is enriching and successful for all speakers and participants!

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[1]   The DGSA (German Association of Social Work) annual conferences are developed and planned by the sitting DGSA Board. For the current conference this comprised Stefan Borrmann, Michaela Köttig, Sonja Kubisch, Dieter Röh, Christian Spatscheck, Claudia Steckelberg and Barbara Thiessen. The conference is run with a different host institution each time. In 2017 this is the ASH Berlin.

# Developments in the migration society

## New DGSA expert group on "Flight, migration and critique of racism" to be set up

Barbara Schäuble

As part of the annual conference of the German Society of Social Work (DGSA), which will take place in April 2017, the new DGSA expert group on "Flight, migration and critique of racism" will convene for the first time. It will discuss developments in the migration society and migration-related social work. The group is a reaction to the wide-ranging problematisation of the issue that, although German society is a post-migration society, it is still at the very start of the process of opening up its social infrastructure in its capacity as a migration society. The group seeks to further concretise the professional self-perception of the field of social work in the migration society, develop basic theoretical questions and questions related to fields of activity and research, push racism-critical approaches forward in the field of teaching, research, professional policy and practice and seek out interfaces to social movements. One question for the group is how, in the context of rigid migration policy, social work can head off demands that are counter to human rights and the given mandate and how it can develop professional standards and achieve the foundations for these to be implemented.

The expert group already has a long prior history. The disastrous accommodation of many people in emergency and communal accommodation was the trigger for setting up a working group of Berlin-based university lecturers from the ASH Berlin, KHSB and EHB in the autumn of 2015. They initiated a German national working group that published a position paper on quality standards for social work in communal accommodation (www.fluechtlingssozialarbeit.de). Given the significant interest in further collaboration, the expert group was set up. The expert group discussions at the DGSA annual conference will revolve around selection of the working projects and election of the spokespersons. All interested researchers, teaching staff, students and practitioners are cordially invited. The interim spokespersons Prof. Nivedita Prasad (ASH Berlin), Prof. Barbara Schäuble (ASH Berlin) and Prof. Annette Müller (KHSB) will be happy to answer any questions.


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# Studying Social Work as a Human Rights Profession in English

Esra Erdem

The Master's in Social Work as a Human Rights Profession (SWHR) is an English language postgraduate programme with a strong international orientation. It brings together the academic expertise of six European universities to offer students a hybrid learning environment that combines in-class seminars, e-learning sessions,



Students of the SWHR programme at a seminar with a video link (Photo: Alexander Rentsch)

and independent research projects. Participant institutions include Alice Salomon University of Applied Sciences Berlin, Coburg University of Applied Sciences and Arts, Malmö University, University of Gothenburg, University of Ljubljana, and University of Strathclyde.

The motivation to start SWHR in the year 2014 came from the recognition by professional bodies such as the European Network on Social Action (ENSACT) and the International Association of Schools of Social Work (IASSW) that there was a significant gap in the education of social workers. In devising the content and structure of the programme, we also had the opportunity to benefit from the experience of our „older sister", i. e. the German language Master MRMA, founded by Professor Dr. Silvia Staub-Bernasconi, and to reap the rewards of the diligence of Professor Dr. Ruth Großmaß, the first Academic Director of SWHR.

Drawing on this strong international expertise, SWHR has developed an unique academic profile that emphasizes both the theory and implementation of human rights mechanisms in the field of international social work. SWHR works with small cohorts of up to 25 students featuring highly diverse personal and professional backgrounds. The programme is designed as a four semester, full-time degree course. The administrative office of SWHR is based at Alice Salomon University in Berlin, where students also attend all their classes. Accreditation of SWHR has been approved by AQAS.

Please refer to our homepage for further information on the SWHR modules, application deadlines, qualification requirements, and the fee structure.

**Prof. Dr. Esra Erdem**
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# Social work as a human rights profession

**The HRMA master programme educates professionals who are in a position to include and implement the issue of human rights in education, research, practical projects and in their own organisation**

Nivedita Prasad

The cooperative programme Master of Social Work – Social Work as a Human Rights Profession has running in cooperation with the Alice Salomon Hochschule Berlin (ASH Berlin), the Evangelische Hochschule Berlin (EHB) and the Katholische Hochschule für Sozialwesen Berlin (KHSB) since 2002. It was conceived and initiated by Prof. Silvia Staub-Bernasconi, who also led the programme until 2010. Prof. Nivedita Prasad from the ASH Berlin has been the programme leader since 2010, and the programme's coordination office (Margit Wagner) is currently located in the KHSB. As this is a master programme in further education, it is subject to fees, which are currently €7,740 payable in 30 instalments of €258. However, these fees are tax-deductible.

The programme only runs every two years; as a rule 25–30 students register for each programme. The 9th cohort is currently undertaking the course. To date 120 students have graduated from the programme, four of which have gone on to complete doctorates. This is a part-time course that runs in parallel to students' professional work and lasts five semesters (including the Master's thesis). The aim of the programme is to educate professionals who are in a position to include and implement the issue of human rights in education, research, practical projects and in their own organisation The programme is aimed at all practitioners in the education and social sectors for whom human rights represent a primary concern for their own profession in their particular area of activity. The aim of the course

is to enable the students to reflect on philosophy, ethics, theory and practice of social work in the context of the concept, history and practice of human rights. Alongside basic inter- and transdisciplinary knowledge, the course also communicates above all action-theoretical skills for dealing



MRMA students visiting the UN in Geneva in February 2017 as part of an excursion they organised and financed themselves (Photo: Sara Skirde)

with human-rights breaches. Through developing innovative research and practical projects in the second year of the course, the students demonstrate that they can implement the lessons they have learnt.

These research projects are a cornerstone of the programme. The aim of the projects is to link the issue of human rights to social work and to highlight the various opportunities for social work to make a professional contribution to human rights being honoured in law and embedded in everyday culture at local, national and

international level, and by doing so foster inclusion in political debates. These research projects are shared as project presentations. The next project presentation will take place on 20–24 November 2017 at the ASH Berlin and is open to all students and academic staff; interested parties are

more than welcome to attend. Three of the research projects are presented on the following pages.

The next cohort will start in March 2018 (MSW 10). The application deadline is 1 December 2017. This time, too, we are delighted to be able to offer a fee-free place on the course for a refugee.

**For further information see:**
www.mrma-berlin.de
Coordination: Margit Wagner,
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Social work students also deal with the topic of human rights at the ASH Berlin (Photo: Alexander Rentsch)

# Human rights education in social work programmes

Mareike Niendorf

If human rights are in fact to become a measure of action within social work, they need to be embedded in the study of social work. Thus, a project paper produced in 2015 as part of the "Social Work as a Human Rights Profession" Master programme looked into the issue of how human rights have historically been treated in Bachelor programmes in social work.

The data was collated via a quantitative cross-sectional design using a (partly) standardised questionnaire. The questionnaire was sent as an online survey to the programme leaders of all Bachelor programmes in social work offered by state-recognised German universities. The surveys were answered anonymously. Responses were received from 28 out of 120 programme heads contacted.

**The basis of the survey: UN Declaration on Human Rights Education and Training**
The UN Declaration on Human Rights Education and Training (A/RES/66/137) adopted in 2011 formed the basis of the questionnaire. This relates to all forms of education including university education, allowing appropriate consideration of academic freedom.[1] According to the Declaration, human rights education consists of the levels of learning about, through and for human rights. Classes should therefore include human rights as content (knowledge level), but also apply them as a yardstick for the structure of the classes themselves (human-rights-compliant learning environment) and enable people to act in a way that is human-rights-compliant and as a result to advocate their own rights

and, in solidarity, those of others (action level).[2] Human rights education thus not only means talking about human rights or topics related to human rights, it is actually more wide-ranging.

**Human rights as an educational topic: important, but not necessarily mandatory**
Overall, the programme leaders participating in the survey attributed a (very) high significance to human rights in their study programmes. This is probably also to do with the fact that people with a particular interest or experience in the issue completed the survey. The survey as a whole also showed that a significant commitment to human rights does not automatically result in human rights being deemed mandatory teaching content for all students of the Bachelor programme. This applies especially to the data from the specific queries about the three levels of human rights education that only provide minimal information as to whether the answers by the programme leaders relate to all students or only those who voluntarily take the corresponding modules.

**Education about, through and for human rights[3]**
Overall it can be established that the level of education about human rights is broadly and strongly embedded in the study programmes involved in the survey. The focus tends to lie more on the ethical effect of human rights than on their legal applicability. However, it is important to communicate that human rights not only represent rules for

successful coexistence, but also legally binding standards. The fundamental aspect of empowerment that is anchored in human rights is submerged in a purely ethical consideration: the issue is not whether individuals who are treated unfairly ask for the treatment to stop, but rather their ability to invoke a right.[4]

In the study programmes, the issues around human rights are frequently accessed via the human rights of people in certain vulnerable life situations. Well suited though this may be for the social work profession, it should never lead to a situation where the fundamental tenets of human rights with their universal applicability are left out of the equation.

In terms of learning through human rights, the various areas that were queried exhibit high approval ratings overall, but here, too, there remain open questions as to what exactly is understood by participation in this context and whether this is actually based on a rights-driven understanding.[5] The same applies to comprehensive barrier-freedom, which is still not (always) promoted at some universities, according to statements by the respective programme heads.

The level of education for human rights is considered with different levels of intensity in the study programmes. In this context, the significance of committed and interested teaching staff becomes clear – staff who go beyond the stipulations in the module manual and impart to their students skills to deploy human rights in their subsequent professional action.

**What can be done?**
Overall the project paper painted a positive picture: human rights do play a part in the programmes involved in the survey, albeit to different extents. However, it should be noted that the collated data cannot be applied representatively to the entirety of all German study programmes in social work. The universities' existing experiences and expertise should therefore be used actively and appropriately to ensure that human rights education is embedded comprehensively across the board. The coming annual conference of the DGSA can also make a key contribution here and serve as a platform for exchange.

In the interests of comprehensive human rights education, this must be explicitly embedded in curricula and module manuals for all students, including in terms of action competence. However, at the same time it is also necessary to review the study programmes and the university as a whole from a human-rights perspective. Universities themselves should become a place of a practised "culture of human rights"[6] in order to authentically and sustainably communicate the significance of human rights for social work.

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[1]   Cf. UN General Assembly (2011): United Nations Declaration on Human Rights Education and Training, Article 3 paragraph 2.

[2]   Cf. UN General Assembly (2011): United Nations Declaration on Human Rights Education and Training, Article 2 paragraph 2.

[3]   5–6 aspects were queried about each of the three levels. Because of the limited scope, only a few of the topics are sketched out and reflected on here as examples.

[4]   Cf. Reitz, Sandra; Rudolf, Beate (2014): Menschenrechtsbildung für Kinder und Jugendliche. Befunde und Empfehlungen für die deutsche Bildungspolitik. Berlin: Deutsches Institut für Menschenrechte, p. 21.

[5]   Cf. Reitz, Sandra (2015): Kinder und Jugendliche haben ein Recht auf Partizipation. Was aus menschenrechtlicher Sicht im Bildungsbereich getan werden muss. Berlin: Deutsches Institut für Menschenrechte.

[6]   Cf. UN General Assembly (2011): United Nations Declaration on Human Rights Education and Training, Article 4b.

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# "The Poles get all the soup and we're left without!"

**Human rights in social work: a student-led research project on racial discrimination in projects for the homeless**

**"The woman said, get to the back and wait there, the Germans are first in the queue. She thought I didn't understand her. She said, if we get worked up I won't let you in. That was in winter, there was nowhere else to sleep."**

Marie-Therese Reichenbach

These and other scenes are reported by homeless EU citizens in response to the question about events in institutions of what is termed "low-threshold" homeless assistance in Berlin where they had the feeling that they were treated less well than German users because of their nationality.

Starting from my practical experiences in various institutions of the easily accessible homeless assistance in Berlin, the aim of my project paper as part of the part-time Master course "Social Work as a Human Rights Profession" was to test the assumption that this area of activity is also structured along racist lines. Using an explorative study I pursued my hypothesis that the social problem of racist discrimination exists in what is termed low-threshold homeless assistance. I concentrated on the perspective of the people potentially affected by racism. Even if experiences of racism cannot allow us to draw direct conclusions about racially discriminatory behaviour, they can provide indicators of it. For that reason they should definitely be integrated into a comprehensive problem description. Not

**"They gave us less food. The staff member member said we should all go back where we came from. She said we shouldn't come back."**

least, this should give a voice to the perspective of those who, in my experience, are frequently marginalised within this area of activity.

The project paper as part of the Master course "Social Work as a Human Rights Profession" represents the implementation of the academic social work theory of the system-theoretical paradigm of social work (SPSW) using a specific example. In particular it is geared towards the general normative theory of action, known colloquially as the "W questions". This gives it a clear structure and partly differentiates it from other projects. My project paper with the heading "'The Poles get all the soup and we're left without!' – experiences of racism by homeless people from the new EU states in Berlin's homeless assistance. An investigation in institutions of the low-threshold homeless assistance in Berlin" sought to enrich the existing descriptive knowledge within this structure, in other words, to answer the WHAT question. I selected a quantitative procedure with a (partly) standardised questionnaire based on theoretical foundations relating to racism, and in particular the manifestation of anti-Slavism (answering the "WHY question"), at the same time with reference to the current research object. This was translated into Polish, Russian, Latvian and Lithuanian. Other languages were not possible due to the limited resources. The face-to-face interviews were conducted in six different institutions of the "low-threshold" homeless assistance using a simple random sample. I was supported by a Polish and a Russian native speaker. After cleansing the data I evaluated 34 questionnaires. The issue was to formulate trend statements on different aspects of the problem. My initial research hypothesis was confirmed on the basis of the available data: clients from the new EU states experience racial discrimination in "low-threshold" homeless assistance. My second result was to establish that experiences of racism tend not to be communicated frequently. It also became clear that staff members understood to be German are identified as the main actors of racially discriminatory behaviour. Finally, a surprising result was

that racism in interaction with staff members of the institution is experienced particularly frequently where staff are acting without colleagues as witnesses. A further insight gained related to new questions derived from the results. These are primarily questions that need to be worked through using qualitative research methods.

These trend statements of the description of the social issue of racial discrimination in institutions of "low-threshold" homeless assistance may be used to devise interventions by social work, also taking into account standards of non-discrimination under human-rights law. These need to be applied at various levels due to the multi-dimensionality of the issue: in the institution itself both in the structures of the institution and the staff and users, and additionally on the national level in the initiation and/or change of the discourse relating to migration and exclusion processes.

Following the official project phase as part of my course, I published my conclusions on various occasions and introduced them into the professional discourse. For me there were key learning experiences, such as in relation to my formulations. To an extent I had the impression that I was negotiating a linguistic minefield: some practitioners seemed to feel that the presentation of my results targeted and attacked them personally and repeatedly tried to make clear that: "We're not racist!" Thus the project results caused not only the respondents, but subsequently also the staff members who got involved, and me too, to think critically about the issues. Today I am still being asked to publish a project summary in the periodical "wohnungslos". A first intervention stage has been reached.

**Marie-Therese Reichenbach**
Graduate of the Master programme Social Work as a Human Rights Profession

# "Trust the police? No. Never! Trust nobody. Never and especially not the pigs."

**A qualitative research project on experiences with "no suspicion" police checks of young people in Berlin in the context of racial profiling.**

Katharina Jetzinger

In November 2013 I undertook a qualitatively focused research project as part of the Master programme "Social Work as a Human Rights Profession". This project relates to young Berliners' personal experiences of racial profiling by Berlin's police. The stipulations of the UN's International Convention on the Elimination of All Forms of Racial Discrimination serve as a framework for orientation.

Section 21 of the "General law for the protection of public safety and order in Berlin" (Allgemeines Gesetz zum Schutz der öffentlichen Sicherheit und Ordnung in Berlin, ASOG)[1] and the consequences of its implementation by Berlin police are of central importance for the research project. This paragraph enables police officers to check the identity of a person purely on the basis of the person's presence at a predetermined place (specified by the police). Additionally, the section also covers ID card and identity checks of passersby and drivers, body searches on the street or transfer to the police station etc.[2] By stipulating that a place is affected by criminality, the police have the right to perform far-reaching checks based on the fact that people are present at this place.

The consequence of this ability to perform a "no suspicion" check, and thus there being no need for features of an offence to be apparent, is that in practice police will rely on external criteria such as supposed or national origin, ethnicity and/or skin colour. In the literature the concept of racial profiling was introduced to describe this (cf. Pütter 2000). The consequence of this practice is that people of colour, or in this case, "young people of colour", may be exposed to racial discrimination by the police (cf. Kant 2000). Alongside the direct consequences, the practice also has far-reaching impacts for those affected because as it can result in an "widening imbalance that disadvantages non-Germans",[3] which in turn "[is] instrumentalised for further discrimination of minorities in social policy" (quoted from Herrnkind 2003: 262). This results in a distorted perception both in society and also by the police in that false assumptions are confirmed (ibid.). The message for society is that that being black[4] may be connected to criminality, which in turn can reinforce racist preconceptions.

Based on their comprehensive prior knowledge, six young people of colour aged between 12 and 21 were asked how they themselves feel about the practice of "no suspicion" checks by the police in the context of racial profiling. Their accounts go beyond the facts of the checks (how, why and when checks were performed etc.).

The data was evaluated using a qualitative content analysis technique that entailed assessing the collated material and breaking it down into its main statements. Once the transcripts had been examined in detail and prepared schematically (encoded), eight categories were derived from the overall data in order to prepare the material for the evaluation. The evaluation of the interviews showed that the six respondents related very precise feelings about the "no suspicion" checks; starting by searching for reasons for the checks, descriptions of the psychological consequences, statements about anger and rage towards the police through to their assessment of the checks (efficiency, understanding of the work of the police etc.). The question about feelings is closely linked to the question about the context of racial profiling. The young people expressed corresponding reservations that, apart from the specified place, their appear-

ance formed the main reason for the check. It is clear that this evaluation can only describe tendencies and thus makes no claim to be representative. Implications for the practice of social work were then derived.

The aim of the research project is first to discuss the issue of the checks and second to formulate an argument for the repeal of section 21 ASOG. This enables a topic that is relevant to human rights, namely racial discrimination, to be made the focus of a research project and the issues communicated to an interested public. However, the project also contributes to the ability to perform lobby work because what the UN refers to as the shadow report procedure is a relevant instrument for lobbying. As part of this process under the UN's International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Germany is reviewed by the anti-racism committee as to how it is progressing with the implementation of the requirements stipulated in the convention. The committee bases the review on information provided by NGOs and experts as shadow reports. Interested parties without institutional links can also take part in this process. This enabled the author to take part in the first preparatory meeting in March 2013 and collaborate using the expertise she gained through the research results.

In view of the results, social work needs to ask itself what actual contribution it can actually make towards improving this reality. The following implications for the practice of social work are worth mentioning. Under the current legal position, there are very few opportunities to lodge a complaint against a check that has been conducted because racial discrimination is difficult to prove under section 21 ASOG. In the interests of the young people, we need to start elsewhere. One option – apart from involvement in lobby work – is afforded by the method of empowering young people so that they remain capable of acting during the checks. This can be done by making them aware of their rights. A further key responsibility is to scandalise "no suspicion" checks in order to generate public awareness. It is essential that we as social workers identify the addressees' experiences of racism, call them precisely that and by doing so promote the ability of both those affected and also the professionals to act.



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There are multiple intervention options for witnesses of racist police checks: direct intervention during the check (albeit from the perspective of what could be best for the person affected – without making the situation worse!), remain present during the check and ask about the reasons for the check, log the date and place of the check and send this notice to the initiative KOP (Campaign for Victims of Racist Police Violence) etc. However, the most important factor is to stay focused on the needs of the person affected by asking them what they need when the check is finished.

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1   http://www.berlin.de/imperia/md/content/seninn/abteilungiii/vorschriften/081103_asog.pdf?start&ts=1252489038&file=081103_a

2   European Network Against Racism 2009:12

3   As far as Herrnkind's exposition is concerned, the author notes that the word "non-German" does not reflect reality as in many cases people of colour are self-evidently Germans; equating people of colour with "non-Germans" misconstrues the reality.

4   In the original German text "Schwarz" (Black) is capitalised here as a noun in accordance with the convention for German nouns (same as "Weiß" (White))); as an analytical category "weiß" (white) is written in lower case to illustrate that it is an analytical term for racist structures. Conversely, the "Schwarze Studentin" (Black Student) is capitalised to illustrate self-designation (cf. Nduka-Agwu; Lann-Hornscheidt 2013, p. 19-20).

# Social work:
# *is a* human rights profession

Nivedita Prasad

Human rights have played an important role in social work for over 100 years. Silvia Staub-Bernasconi has shown that the idea of social work as a human rights profession started with Jane Addams in 1902 and was further developed by many pioneers over the years, as it continues to be.

In 1988 the International Federation of Social Workers (IFSW) established that social work is a human rights profession by virtue of its fundamental conception and published a manual on social work and human rights in conjunction with the UN in 1994 (cf. UN 1994). Since that time this tradition has built up a large body of further core and reference documents (see the historical overview by Silvia Staub-Bernasconi on page 16 for further details) which leave no doubt as to the fact that internationally agreed human rights – and national law – are not referenced as a matter of discretion, but instead form a foundation of an approach that understands social work as a profession. Similarly, these documents leave no doubt as to the fact that social work not only has a mandate for individual support, but also for structural change.

Social work as a human rights profession applies human rights at a number of levels:

### Human rights as an analytical instrument/ supporting argument
Social workers going into practice for the first time frequently feel angry when they are confronted with the living conditions of their addressees. This anger about the injustices they observe gains much more traction if the injustices are analysed from the perspective of the stipulations of human rights. It is clear that we are not "merely" dealing with "injustices", but also systematic human rights breaches in a country that claims to uphold human rights. The following UN conventions can be used as analytical instruments:
- International Covenant on Economic, Social and Cultural Rights (Social Pact or ICESCR)
- International Covenant on Civil and Political Rights (Civil Pact or ICCPR)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention on the Rights of the Child (CRC)

- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) – not ratified by the FRG
- Convention on the Rights of Persons with Disabilities (CRPD)
- International Convention for the Protection of All Persons from Enforced Disappearance (CPED)

### Human rights as a frame of orientation and reference
The need for human rights as a frame of reference when dealing with demands and/or dilemmas in social work that go against the professional mandate becomes clear when social workers face demands by their employer that are neither compatible nor compliant with their mandate. This is the case for instance if social workers "report" temporary absences of the residents of their institutions to the authorities with the consequence that their welfare benefits are cut. Involvement in such practices may also be understood to be participation in the infringement of the human right to an adequate standard of living – as defined in Article 11 of the Social Pact.

### Use of the UN system for the protection of human rights for/ with clients
The UN system for the protection of human rights provides five options for submitting complaints: shadow report procedure, individual complaints procedure, investigatory procedure, the appeal to special reporters and involvement in the Universal Periodic Review procedure (cf. Hüfner/Sieberns/Weiß 2012 and Prasad 2011).
The processes differ from one another both in terms of effectiveness and also the obstacles to participation. Involvement in the reporting procedure takes less time and can also be performed alongside or as part of one's daily work. The information submitted here can also be collated in research projects as part of a study programme – for example as part of the final report on the implementation of the Social Pact in Germany, where students on the MRMA programme collected insights into poverty as part of a research project and fed them into the report (cf. WSK-Allianz 2011).
Whilst shadow reports are suited to highlighting structural deficits without a person having to reveal their identity, the individual complaint is an opportunity for an individual case to be resolved by a UN committee. People who consider that their human rights (protected by a UN convention) have been breached, can complain to the corresponding committee once the legal options within their own country have been exhausted. Initiating such an

individual complaint takes a lot of time and resources, but the outcomes of other investigations can be used widely in practice for similar constellations of cases. They can be used to back up arguments, as an instrument of power, and also a resource that contributes to empowerment.

Even if the application of human rights on these different levels appears overwhelming in the first instance, it non- etheless opens up perspectives for people who are denied their "rights to rights" either systematically or de facto. These include undocumented migrants, psychiatrised people, very young children, imprisoned people, people in total institutions who are all also addressees of social work.

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The UN building in Geneva (Photo: Talitha Goldmann)

# Human rights in social work – a historical overview

Silvia Staub-Bernasconi

**First phase: 1900 to 1933 – writings, pioneers and activities**

1902    Jane Addams: Democracy and Social Ethics
1907    Jane Addams: Newer Ideals of Peace
1912    Jane Addams: A New Conscience and an Ancient Evil
1919    Janusz Korczak: The Child's Right to Respect

1915    International conference of women with over 1,000 women from twelve nations – including women from Germany – in The Hague; self-mandating by the women for a diplomatic mission to the belligerent and marginalised European nations with the proposal of ending the war through negotiations: foundation of the Women's International League for Peace and Freedom (WILPF) with Jane Addams as the first president; establishment of a WILPF office in Geneva – still today a UN-accredited NGO
1916    Jane Addams, Emily Balch, Alice Hamilton: Women at the Hague. The International Congress of Women and its Results, Macmillan, New York
1919    International congress of women of the WILPF in Zürich during the negotiations in Versailles; intervention in Paris with the warning against the disastrous effects of victors' justice as a cause of a new war!
1919    Eglantyne Jebb, social worker from England, founds the Save the Children Fund, an organisation that is still active around the world today
1923    Eglantyne Jebb draws up a charter of children's rights
1924    The charter is accepted by the international community as a declaration of the rights of the child, but disappeared into obscurity – for reasons including permanent differences as to whether children primarily need protection and/or rights (definitive ratification 1989)
1928    Social welfare conference and First International Conference of Social Work in Paris (following which IASSW/IFSW/ICSW was set up); Alice Salomon, co-founder of IASSW, was elected as its president
1930ff.    Mobilisation of clients who took up residence in front of the Capitol in Washington until they were able to state their demands for democratic participation and social rights
1931    Nobel Peace Prize for Jane Addams (1860–1935)
1933ff.    Interruption of international contact as a consequence of the Second World War; aryanisation of teaching staff – collective resignation of the German delegates from the IASSW after the demand to force the new head, Alice Salomon, to leave the IASSW failed

**Second phase: 1945 to present**

1944–47    United Nations Relief and Rehabilitation Administration (UNRRA) develops social programmes in Europe and China; the head and staff are social workers
1950    **The first UN survey about training in social work** – followed by four others (1955, 1958, 1965, 1971)
1963    Social UN welfare attachés at the U.S. embassies in Brazil and India
1968    Conference: Council of Social Welfare in Helsinki – title "Social Welfare and Human Rights"
1971    Launch of the IASSW family-planning project
1976    Agreement about the IFSW code of ethics for the profession
1970    Foundation of the Inter-University Consortium for International Social Development (IUCISD)
1988    IFSW establishes an international human-rights commission
1994/92    **IFSW/IASSW publish the UN manual on "Human Rights and Social Work";[1] Launch of the UN decade of education**
1994    IFSW adopts a revised version of the declaration of ethics
1995    WILPF organises a cross-border peace train from Helsinki to Beijing to the UN World Conference on Women – motto: Crossing Borders to build Understanding, Solidarity and Peace (cf. the Video "Peace Train Helsinki–Beijing")

| 1995 | The IASSW sends delegates to the UN World Summit for Social Development in Copenhagen |
|---|---|
| 2000 | World Conference of IASSW and IFSW in Montréal: adoption of the **first international definition of social work**, which invokes human rights among other things |
| 2001/03 | **"Recommendations of the Committee of Ministers of the Council of Europe" on integrating human rights into the training and practice of social work** {(Rec (2001)1 and Rec (2003)19} |
| 2002 | IFSW and UN publish the manual "Social Work and the Rights of the Child" |
| 2002 | Launch of the Master programme "Social Work as a Human Rights Profession" by the Zentrum für Postgraduale Studien in Sozialer Arbeit in Berlin |
| 2004 | Adoption of the **"Global Standards of Education and Training"** as well as the "Proposal for a New Ethical Document" at the IASSW/IFSW conference in Adelaide/Australia |
| 2008 | World conference in Durban/South Africa: foundation of a joint commission on human rights by IASSW/IFSW |
| 2010 | World conference in Hong Kong where, after seeking a consensus for several years, the first draft of a "Global Agenda for Social Work and Social Development" by the three large associations IASSW/IFSW/ICSW was presented; at the same time presentation of the **"Standards in Social Work Practice Meeting Human Rights"** of IFSW Europe (standards for the social sector and its responsible bodies to guarantee practice that complies with human rights in the organisational everyday work) |
| 2012 | 1st UN World Social Work Day in Geneva: handover of the **"Global Agenda for Social Work and Social Development"**, which was discussed for three further years, to the UN in New York and Geneva – with the commitment of the three international associations to support the UN in its global implementation of human rights (26 March 2012) |
| 2012 | Global conference in Stockholm where human rights made up a third of the presentations dealing with the practical implementation of the "Global Agenda". |
| 2013 | 2nd UN World Social Work Day at the UN's HQ in Geneva (22 March 2013) (parallel to the UN Social Work Day in New York). Topics: the ILO recommendation no. 202 on social protection floors and the "guidelines on extreme poverty and human rights" |
| 2014 | 3rd UN World Social Work Day at the UN HQ in Geneva; topic: "Promoting Social and Economic Equality" |
| 2014 | Adoption of the revised **"Global Definition of Social Work"** at the global conference of IASSW/IFSW in Melbourne/Australia |
| 2014 | Launch of the International Master "Social Work as (a) Human Rights Profession" at the ASH in Berlin |
| 2015 | 4th UN World Social Work Action Day in New York and Geneva – topic "Human Dignity" (17 March 2015) |
| 2016 | 5th UN World Social Work Day, Geneva and New York; also Brussels, Vienna, Kathmandu – topic: "Promoting the Dignity and Worth of Peoples" and "Refugees and Displaced Persons – the Role of Social Work" |
| 2016 | Foundation of an international journal "Social Work and Human Rights" (1st volume March 2016) (Springer International) |
| 2017 | 6th UN World Social Work Day, Geneva and New York – topic: What can social work contribute and what competencies are needed to implement the UN Sustainable Development Goals (SDG)? (21 March 2017) |
| 2017 | German Association of Social Work (Deutsche Gesellschaft für Soziale Arbeit, DGSA) – annual conference on the topic of "Social Work and Human Rights" at the Alice Salomon Hochschule Berlin |

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[1] The documents printed in **bold** are core or reference documents that illustrate that internationally agreed human rights are not referenced as a matter of discretion, but instead form a foundation of an approach that understands social work as a profession.

**Abbreviations:**

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|---|---|---|---|
| UN | United Nations | ICSW | International Council of Social Welfare |
| IASSW | International Association of Schools of Social Work | IUCISD | Inter-University Consortium for International Social Development |
| IFSW | International Federation of Social Workers | WILPF/ IFFF | Women's International League for Peace and Freedom/ HQ at |
| IFSW-Europe | European division of the IFSW | | UN in Geneva & New York – Rue de Varembé 1, CH-1211 Genf – Mail: secretariat@wilpf.ch (German: Internationale Frauenliga für Frieden und Freiheit – IFFF) |

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# An opportunity for social work

## An interview with Silvia Staub-Bernasconi by Nivedita Prasad on the subject of "social work and human rights"

Interview by Prof. Nivedita Prasad with Prof. Staub-Bernasconi on 3 June 2016 as part of the avenirsocial annual conference in Bern (Photo: Silke Vlecken)

**How and when did the idea to see social work as a human rights profession come about?**

The historical overview (see page 13) shows the following phases: in 1912 Jane Addams wrote a piece that described, and at the same time strongly criticised, the prostitution that accompanied the global trafficking of women and the associated cultural legitimation as trade in "white slaves". Addams refers to the trade in women as a consequence of raids, wars of conquest and mass kidnappings. She examined the historical lines of action that led to the liberation of the slaves in the southern USA and she identified three phases, namely: setting up safe houses for women; creation of broad public awareness about the real living conditions of those affected by the trafficking of women, which was the purpose of the research results presented in her book, resulting in legislation to criminalise trafficking and protecting women from unbridled exploitation.

As well as Jane Addams, over the following 20 years or so were many social workers, who are sadly barely known in the professional world, also stood up for children's rights as pioneers in the battle for human rights (Eglantyne Jebb in England, Bertha Capen Reynolds and Whitney Young in the USA, Winnie Mandela in South Africa, Sattareh Farman Farmaian in Iran, plus Janusz Korczak in Poland etc.). The first International Conference of Social Work in Paris in 1928 can be seen as the start of an institutionalisation phase associated with internationally binding documents on human rights from the international community.

**How did you come to consider social work in the context of human rights?**

The key milestones – with lots of little steps in between – were as follows:
At the start was the mute outrage and desperation I felt in 1963 when I first travelled from "wholesome Switzerland" to New York for a postgraduate course in social work with a UN stipend and saw how things were in the Lower East Side for example. Publicly visible misery, poverty, drugs, warring street gangs, squalid living conditions, racism, dying people in subway stations… but at the same time a lot of social workers were involved in the black civil rights movement, in the "War against Poverty" project, in the welfare recipients' movement, in local community/district projects, in opening stores to provide low-threshold advice and support in the battle against a huge, discriminatory, racist social bureaucracy etc.

What was equally important was when a graduate of the Schule für Soziale Arbeit Zürich, where I became a lecturer, asked the school to take students from the left of the spectrum who had stood up for their utopias and exposed themselves politically during the 1980 military putsch in Turkey. Many were arrested, tortured, sentenced to imprisonment. Others were able to go underground. The former student had helped many escape – in some cases even from prison. Today he'd be referred to as a "people smuggler". As we know, 1989 became a year in which the death of socialism and the end of history were celebrated. For the political refugees from Turkey, it became a year of personal crisis around the end of their hopes and utopias for a more just world. Searching for the contribution

an educational institution might be able to make, I opted for a seminar on human rights where I – too – began a learning process. One outcome of this seminar was an event, organised and attended by many of the by this time large "community" of refugees, on the topic of human rights in the "Rote Fabrik" (an arts project similar to "Tacheles" in Berlin) as well as involvement in many community projects with immigrants and politically recognised refugees.

A decisive factor in the integration of human rights issues into education, however, was above all a query from Ellen Mouravjeff-Apostol, representative of the International Federation of Social Workers in the UN's Geneva office, in 1990 as to whether I could appraise a manual "Human Rights and Social Work", which I agreed to with interest. In that context the last chapter in the book arose "Systemtheorie, Soziale Probleme, Soziale Arbeit: lokal, national, international – oder: Vom Ende der Bescheidenheit" (System theory, social problems, social work: local, national, international – or: on the end of modesty) with the probably similarly irritating title: Wird die UNO zur Sozialarbeiterin oder Soziale Arbeit zur Menschenrechtsprofession? (Is the UN becoming a social worker, or social work a human rights profession?) (1995: 413–425). Hans Walz and the translation of the manual into German by Michael Moravjek have also contributed significantly to disseminating the notion of human rights in the German-speaking context.

**What does it mean to understand social work as a human rights profession?**

First of all, what it doesn't mean is that social work can claim that it is principally on the side of defending what is noble and good. There are too many historical and current counter-examples for that. In its ranks there is excessive moral entrepreneurship, which is to say, empty demands for politicisation without any reference to

discipline-based factual knowledge and professional behavioural knowledge. It gets downright grotesque when changes to the society or the system are demanded given that at the same time, for example with families, we fail to change even the basic social rules of a patriarchal, authoritarian/repressive family system in everyday practice, or have not, or only in individual cases, managed to assert professional ethical demands over the neoliberal management models in the education and social sector and the Hartz IV social welfare legislation that arguably massively infringes human rights.

Put in positive terms, social work is a profession that, like other professions/occupations (lawyer, doctor, teacher, police officer, prison officer etc.), found themselves required to include human rights in their (training and) educational concept at the start of the UN decade of education (1995–2004) – first because in many respects they are witnesses of human rights breaches in their everyday work and can record these, for example for UN shadow reports as parallel reports to the official state report; but secondly also because they are at risk of breaching human rights. If I see it correctly, (internationally orientated) social work is the only profession that in relative terms has spread this requirement around the world and seeks ways to implement it. For example, an international monitoring system has even been set up in respect of the "Global Agenda 2012 for Social Work and Social Development" adopted by the international associations and the UN.

**What criticism and resistance is there when human rights are referred to in connection with social work?**

Lots! Here are just a few objections as examples: Human rights are a western concept, in other words, a neo-colonial and at the same time paternalistic concept! Or: Where are the obligations? Or: Their rationale is

so complex that it's too much for the short three-year training period and practitioners. Given the shortness of the interview, I will try to formulate counter-questions: What the first judgment implicitly says: does only the "rich west" have the privilege to prosecute the infringement of human rights, i.e. rights to freedom, civil participation and social protection, and at the same time celebrate the double win of also having a clean sheet, at least on paper since 1948? Is it not worth noting that exploited, oppressed, persecuted and displaced people around the world invoke human rights and in most cases it is the political, economic and to an extent the religious elites who reject and combat them as "western"? However, above all more recent historical research on the negotiations on the 1948 General Declaration of Human Rights shows that this criticism is misplaced: interestingly it was the delegations from China, India, Lebanon and, in terms of social rights, those from Latin America who had a significant influence on its formulation. Further: why is it so difficult to acknowledge people in need and misery and as victims of systems of social injustice as people irrespective of their achievements, mistakes and duties? After all: given that the topic of human rights is admittedly so complex, which I interpret as demanding a critical and democratically practised professional approach, why have the teachers not been advocating a Master degree as an enhanced study programme in educational policy long before now?

The Declaration of Human Rights is an opportunity for social work to own up to its shortcomings and at the same time to try each day anew to have the courage to turn the discourse on its head, reflecting this unique document about the dignity of each and every person that covers the whole of humanity.

**Thank you!**

# Children's rights

**The BA programme "Education and Development in Childhood" teaches students how to protect and defend the rights of children"**

Marianne Schäfer, Corinna Schmude and Susanne Viernickel

## "Every child must be taken seriously and respected as an individual, irrespective of his/her gender, origin, religion, lifestyle, age and state of development"

In its policy document on the significance of human rights education in early childhood, the German Institute for Human Rights highlights that children's and human rights represent a frame of reference and orientation that can provide support and clarity for everyday issues. "Children need to be respected as people, legal entities and actors from the very beginning. Their dependence on adults and the concept of the gradual development of their abilities should not be an excuse for authoritarian practices that limit the autonomy and personal growth of the child."[1]

If this is to be used as a reference and orientation, then educational professionals need to manage children's rights proficiently. This was one of the aspects of the current review of our study programme concept that we want to integrate more explicitly into the course – for instance in the module "Diversity and inclusion": the students engage with the fundamental significance of human rights and the group-focused declarations of human rights for (a) the diversity-aware and discrimination-critical structuring of education, support and development situations and (b) for reflecting on one's own thoughts and deeds in everyday educational life as regards children, their families and other actors.

The programme qualifies students to work with children from 0–12 years. With the recognition of the qualification of childhood educationalist (Kindheitspädagogin/Kindheitspädagoge), a new professional field was established that is aimed at "family-based and public education, development and support in childhood that is geared towards the lifeworlds, cultures and living conditions of children and families and partnership with families."[2] Emphasis is on the responsibility to reflect critically on social constructions and conditions of childhood and family and to work on shaping and securing a sound and successful upbringing of children socially, politically and culturally. In specific terms that means protecting and defending the rights of children and tackling risks to children's wellbeing and all forms of discrimination and disadvantage (ibid.).

As the following extract of the module manual illustrates, the right of every child to education and dignity is firmly anchored in our understanding of education and development and is the guiding principle for the conceptualisation and implementation of our teaching:

"Everyone (Art. 26 of the UN Universal Declaration of Human Rights, Art. 24 of the UN Convention on the Rights of Persons with Disabilities), every child (Art. 28 of the UN Convention on the Rights of the Child) has a right to education that must be aimed at supporting the child's development of his/her cognitive, physical, social and emotional opportunities and skills so that he/she can grow personally, deploy his/her skills creatively and is able negotiate the pluralised world in an increasingly organised manner.

"Everyone around the world should have access to high-quality education. Everyone must be able to realise his/her potential. This is a universal right and applies independently of a person's gender, social and economic conditions or special educational needs. UNESCO's 1994 Salamanca statement enshrined the objective of structuring education systems in an inclusive manner. At the end of 2008 the participants in the UNESCO World Conference of Ministers of Education again confirmed this necessity. In their final declaration they demanded that inclusive education systems in which diversity is used as a resource are realised" (German Commission for UNESCO 2014, 4).

The course is committed to this right to lifelong and inclusive education guaranteed under international law.

Every child must be taken seriously and respected as an individual, irrespective of his/her gender, origin, religion, lifestyle, age and state of development. In connection with the UN Convention on the Rights of the Child, the child has a right to self-determination and freedom of speech and also to physical and emotional integrity, health and well-being. Individual and cultural differences between children are an opportunity to learn from one another, to learn together and to lay the foundation for peaceful coexistence [...]. Acknowledging children's differences not only guarantees equality of opportunity, but is also potential in educational terms. Chil-



Students of the Education and Development in Childhood programme in the learning workshop of the ASH Berlin, a room for independent and vivid discovery and experimentation
(Photo: Robert Bosch Stiftung)

dren with disadvantages or impairments require special consideration, appreciation, attention and support to further their development processes.

Starting from the premise that individuals should not only integrate themselves into social circumstances, but should be enabled to shape and modify such circumstances, the childhood phase of life is imbued with unique meaning: all children have a right for themselves, their needs and their developmental requirements to be afforded special respect in their specific social context and to participate in shaping their lifeworld."[3]

Whilst it may have been the case that the early years of the course, which was ori-

ginally launched in 2004, focused too much on working in childcare facilities, childhood educationalists are now increasingly making their mark in other areas of work, as shown by the following example:

### An internship in the "kindgeRECHT" project
Marianne Schäfer

Whether the UN Convention on Children's Rights is explicitly mentioned or not, children's rights repeatedly play a part in our course, for example when looking at the image of the child that is dealt with in almost every module, or the implementation and preservation of children's rights in everyday educational life. Here (practised) participation plays a key role.

In my view children's rights and the protection of the child are a type of intersectional topic that is discussed with different intensities in the individual modules.

When choosing a possible location for my first internship, I opted for the Deutsche Liga für das Kind (German Children's League). The League is an interdisciplinary network made up of a range of associations and organisations and concentrates on the first years of life. Its motto is: children have a lobby. Its activities concentrate above all on the political level, on backing educational professionals and supporting parents.*

During the internship I was offered the opportunity to work on the "kindgeRECHT" project that was run in conjunction with Save the Children, the world's biggest independent children's rights organisation. The aim of the project is to shape early childhood development, education and support in childcare facilities and cooperation with the families in a consistent way using children's rights as a binding canon of values. In an initial project step, existing standards, legal standardisation, programmes etc. of quality development were analysed (market environment analysis) and existing requirements and potential further development needed in this field (requirements analysis) identified.

Children have a right to sound and fair living conditions and child-friendly institutions and living environments. During my internship I was able to experience how future childhood educationalists can promote the importance of children's rights and an approach to education and development based on children's rights, including in a manner that has a public impact. In the context of child day care, educational and developmental partnership is indispensable. If parents* and educational professionals pull together and have a trust-based relationship, they can build a strong partnership that enables them to focus jointly on the rights of the children as well as education and development based on children's rights.

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[1] www.institut-fuer-menschenrechte.de/fileadmin/user_upload/Publikationen/Weitere _Publikationen/Information_2_Menschenrechte_von_Anfang_an.pdf
[2] www.ash-berlin.eu/fileadmin/user_upload/pdfs/Studienangebot/Bachelor/EBK/Berufs profil_Kindheitsp%C3%A4dagogik_01.06.2015.pdf
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# Children's rights and child protection

**Statements from lecturers from the postgraduate Masters programme in "Child Protection – Dialogical Quality Development in Early Support Centres and in Child Protection"**

**Introduction** (Regina Rätz)

In the academic, legal, professional and public discussion in Germany, children's rights and child protection are frequently portrayed as two shoes that don't properly match. But why is that? Is it not the case that three central connected aspects of international children's rights are participation, education and protection? Yes, of course it is! The problem in Germany lies in a commonly made contrast between the autonomy and the protection of children – as if the two had nothing to do with one another! In other words: there is a long tradition in Germany that children who are dependent on the help of others tend to be perceived as passive recipients of these support services and not as actors with rights of their own. Additionally, child protection in Germany is geared primarily towards basic childish needs that are attributed to children by adults. Understanding child protection as a guarantee of children's rights is discussed less frequently. We have taken this fundamental contradiction between children's rights and child protection as the trigger to collate a number of short statements from lecturers from the postgraduate Masters programme "Child Protection – Dialogical Quality Development in Early Support Centres and in Child Protection". A contradiction is specified in each short statement and some of the texts formulate requirements for the professional conduct of professionals in child protection. The authors all come from the area of democratic child protection work. They favour multilateral dialogical access between professionals from different professions as well as such access to children and their families whilst preserving the respective rights of the participants. Such access is replete with preconditions, exacting and not to be taken lightly. However, it is diametrically opposite to unilateral interventions and causal monitoring approaches in child protection. It facilitates sustainable learning by all participants and consequently viable improvements to the living situations of the children, made possible above all by the participation of the affected families!

**(Considering) the perspective of children in decision-making processes in child protection** (Timo Ackermann)

Protecting the wellbeing of the child occasionally requires adults to intervene in their right of self-determination. If a child is walking the streets, we will stop it without asking it beforehand. This perspective opens the floodgates to the external control of children – and to acting against their will in the name of child protection. For that reason it seems elementary to me that we adopt a perspective of retrospective legitimation as proposed by Liebel (2013): can the intervention, the decision that leads to it, be made understandable to the child retrospectively? Only if so may the intervention be made.

A key reason why it is challenging to take professional decisions in cases where children's wellbeing is at risk is because the central rights of the addressees are being negotiated: the parents'* right to raise their children, the right of young people to bodily integrity, growth, security and support. Social workers need to assess carefully whether interventions are necessary and what form they should take (Ackermann 2017). Unfortunately, in decision-making processes social workers focus too frequently on the perspective of adults, professionals and parents* (Wolff et al. 2013, Bühler-Niederberger et al. 2014, Ackermann/Robin 2015, Ackermann 2017). There is scope for action in this respect: what's important is not only taking children into account, but above all making their voices heard –



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and effective in decision-making processes. Otherwise professionals could in fact jeopardise children's right to self-determination.

## Participation in critical situations (Hans-Ullrich Krause)

Over recent years the child protection profession has successfully made significant gains in the areas of knowledge and methodological development. It is clearly difficult to retain the breadth of this knowledge and the corresponding professional positions in critical situations and to consciously deploy them. This is the case when it comes to participation. It is generally acknowledged that specifically in crisis situations it is necessary to notify parents* and children about what is happening. This also applies in the legal context. In child protection situations in particular it is important to keep the parents* in the loop and also to maintain the connection between them and the children. This is especially so if the wellbeing of children is at risk and they have been taken into care as a result. (The only exceptions are where this cannot protect children from threats and violence previously experienced.) It is important that all participants – children and parents* – are consistently included from the start of any assistance. Those affected must be included in the whole process. Being and remaining part of the conversation, demonstrating interest in each other, representing a dialogical and respectful approach and assuming responsibility – these are all prerequisites for assistance being successful.

## Grandfather rights for sacred legislation (Jens Beiderwieden)

At the start of the 21st century, child protection and children's rights are as current as they were in the early historical period of the nascent patriarchy. As soon as its legitimation in modern society is called into question, the ancient rite of circumcision, a symbol of earlier child sacrifices, is given immediate grandfather rights. On this issue the German parliament approved a novation of section 1631d German Civil Code (BGB) in December 2012 – in blatant contradiction to Article 24 of the UN Convention on the Rights of the Child and counter to the opinion of 70 percent of surveyed citizens – secular legislation bows down to the sacred (Jewish, Muslim).

## Child protection work in democracy is work on conflict (Kira Gedik)

Professional child protection work relating to social human rights in democracy entails an irreconcilable, conflict-rich tension between the rights and duties, the interests, wishes and developmental needs of children and young people and their carers and the professionals involved in the child protection processes. The multi-agency and complex work on conflict is consequently a central challenge and opportunity for professional social-educational child protection practice. Contradiction and resistance of the actors needs to be anticipated and dealt with. As a manifestation and source of the conflict, these offer the potential to be used for an inclusive and professionally confident examination and clarification of underlying issues and exigencies in a process of dialogue. Seen in this way they can be understood as a quality mark for how democratic assistance and child protection processes are structured.

## Conclusion: child protection as a boundary object (Regina Rätz)

There are now multiple authors who regard child protection as a boundary object. The justification for this is is that multiple actors within the family – not least children and young people themselves – and professions are each charged with tasks of child protection: they define the subject matter from their own perspective and deal with it using the means they each have at their disposal (cf. Klatetzki 2012). But it is also a boundary object because children's wellbeing and child protection have very different meanings in the various social worlds and each need to be implemented on a case-by-case basis (Scheiwe 2012). The perspective of children affected by child protection has traditionally not been considered enough at these boundaries. Giving them a voice and guaranteeing their codetermination and participation would be a valuable contribution towards realising children's rights in child protection!

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Inadequate staffing levels in hospitals, retirement homes or outpatient care result in a situation where there is not enough time for explanatory and sympathetic discussions, compassionate gestures and appropriate support for people when eating and drinking.

# Human dignity and human rights

## Human dignity shall be inviolable. (German Basic Law, Article 1). Is it really?

Prof. Dr. Gudrun Piechotta-Henze

At the start of the Health and Social Care Management programme at the Alice Salomon Hochschule Berlin, the students, all of whom are trained in the caring sector, are required to take the module "Occupational Reflection". As part of this module they are required to create a portfolio that includes description of the positive and negative experiences in their educational and professional lives.

The negative experiences are often alarming, and are a blatant contradiction to the German Basic Law. Semester by semester, the trained health and nursing professionals, geriatric nurses and social care workers describe how they have experienced people being yanked out of bed, undressed and showered on a scale from insensitive to undignified, or how people with dementia were mocked. They frequently describe how inadequate staffing levels in hospitals, retirement homes or outpatient care result in a situation where there is not enough time for explanatory and sympathetic discussions, compassionate gestures and appropriate support for people when eating and drinking. They repeated report about high workloads in care for seriously ill and dying people and when dealing with their families. Complaints are often made about scarce personnel and lack of time that prevent professional support of the people at the end of their life, but knowledge deficits and the physical circumstances, above all the lack of single and palliative rooms, also prevent a caring and palliative culture.

At the same time, the opposite is also reported, such as the consideration of palliative care in the new training curriculums or the increased consideration of the charter for persons requiring assistance and nursing in nursing practice (cf. BMFSFJ/BMG 2009; Dielmann 2013; Oelke 2010). However, on the whole the positive experiences tended to be linked to person-focused working and behavioural approaches. Students frequently reported about individual line managers, employees or mentors who were a role model for them because they respected the dignity and self-determination of the people being cared for – provided the circumstances and physically intense nursing activities permitted.

At this point let us take some time to look at the asset side of the balance sheet regarding the laws and codes that define basic tasks in the healthcare system, how they are implemented and how they should form the orientation and basic standard for the nursing sector.

The **Universal Declaration of Human Rights** has been in place since 1948. This stipulates for each and every person, among other things:

- that they have dignity and rights (Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood),
- that their private life may not be arbitrarily infringed (Article 12: 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.),
- that their health-related and social wellbeing must be guaranteed (Article 25 (1): Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.)
(www.amnesty.de/die-allgemeine-erklaerung-der-menschenrechte)

The **Basic Law** has been in force in the Federal Republic of Germany since 1949, with its aforementioned Article 1: Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority.

The **European Social Charter** has been in place since 1961, Article 23 of which codifies that Every elderly person has the right to social protection (Aichele/Schneider 2006; www.sadaba.de/GSET_ESC.html).

In the nursing sector we have had the **Code of Ethics** of the International Council of Nurses (ICN) since 1953, the preamble of which states that: ... Inherent in nursing is a respect for human rights, including [...] the right to life [...], to dignity and to be treated with respect. (www.dbfk.de/download/ICN-Ethikkodex-DBfK.pdf)

In Germany the **Charter of Rights of Persons requiring Assistance and Nursing** [Charta der Rechte hilfe- und pflegebedürftiger Menschen] has been in place since 2006. Its eight articles define the basic rights of people who find themselves in a vulnerable situation in life because they require support by nursing staff:

### Article 1: Self-determination and help to help themselves
Every person requiring assistance and nursing has the right to help themselves and to support in order to lead as independent a life as possible with maximum self-determination.

### Article 2: Physical and mental integrity, freedom and security
Every person requiring assistance and nursing has the right to be protected from risks to their physical and mental health.

### Article 3: Privacy
Every person requiring assistance and nursing has the right to the preservation and protection of his/her private and intimate sphere.

### Article 4: Nursing, support and treatment
Every person requiring assistance and nursing has the right to health-promoting and qualified nursing, support and treatment that is tailored to his/her requirements.

### Article 5: Information, advice and clarification
Every person requiring assistance and nursing has the right to comprehensive information about the options and offerings of advice, assistance, nursing and treatment.

### Article 6: Communication, respect and participation in society
Every person requiring assistance and nursing has the right to respect, communication with other people and participation in the life of society.

### Article 7: Religion, culture and world view
Every person requiring assistance and nursing has the right to practice his/her culture, world view and religion accordingly.

### Article 8: Palliative care, dying and death
Every person requiring assistance and nursing has the right to die in dignity. (BMFSFJ/BMG 2009)

Since 2010 we have had the **Charter on the care of seriously ill and dying people** [Charta zur Betreuung schwerstkranker und sterbender Menschen] in Germany that seeks to achieve a dignified end of life based on five guiding principles:

1. **Socio-political challenges – ethics, law and public communication**
Every person has a right to die in dignified circumstances. ...

2. **Needs of the affected – requirements on care structures**
Every seriously ill and dying person has a right to comprehensive medical, nursing, psycho-social and pastoral support that meets the needs of his/her individual living situation and requirements regarding hospice and palliative care. ...

3. **Requirements on training, continual professional development and further education**
Every seriously ill and dying person has a right to an appropriate, qualified and where relevant multiprofessional treatment and support. ...

4. **Development prospects and research**
Every seriously ill and dying person has a right to be treated and cared for in accordance with the generally recognised current state of knowledge. ...

5. **The European and international dimension**
Every seriously ill and dying person has a right to established and acknowledged international recommendations and standards for palliative care for his/her wellbeing to be adequately taken into account. ...
(www.charta-zur-betreuung-sterbender.de/tl_files/dokumente/Charta-08-09-2010.pdf)
This legal-ethical "asset" side could be continued as it is or managed differently, for instance based on the changes brought in with the new training laws and curricula for (healthcare and) nursing, children's (healthcare and) nursing, geriatric care, or based on the potential effects that are foreseeable with the current pilot projects (integrative or generalistic nursing training) or the nursing-specific courses. The myriad discussions, endeavours and changes related to the care of people requiring support or nursing are important and without a doubt expedient in terms of preserving human dignity and human rights. But can we leave it there? No! It is essential that the laws, codes and charters are observed and complied with across the entire healthcare sector as the solid basis for all economic, structural and organisational, educa-

tion-specific plans and decisions. All nursing areas need to accept responsibility for this and to continually discuss and demand the rights for a dignified coexistence.
In a lifelong society in which increasing numbers of people will ultimately live with needs for support and nursing, financial and personnel-related resources need to be redistributed and made available so that everyone is able to be ill, require nursing, grow old and die in dignity.
Taken together, the various nursing professions are numerically the largest professional group in the healthcare sector and thus could start a public discussion of the negative, undignified processes listed at the start of this article and seek solutions on a wide range of levels.
Individuals need to make their own contribution to their own area of activity and training, and above all a higher level of organisation for the professional group(s) is urgently needed, regardless of whether in the form of chambers of nursing, professional associations and/or trade unions. What is essential is a common political will and one professional political voice that is heard in society.

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# "There's no justification for hatred and violence!"

## The first human rights report from the German Institute for Human Rights/ focusing on refugees

Bettina Hildebrand

In December 2016 the German Institute for Human Rights presented its first report on the development of the human rights situation in Germany. It covers the period from 1 January 2015 to 30 June 2016. "The aim of this report and future ones is to help foster a situation where human rights in Germany are actually respected and realised," explained the director of the

Institute, Beate Rudolf, on the publication of the report. The Bundestag [German parliament] can now take the findings from the report and apply them politically.
Under the 2015 statute on the legal position and tasks of the Institute, the Institute is to present an annual report on the human rights situation in Germany to the German Bundestag on

which the Bundestag will provide an opinion.
The first human rights report looks in particular at the situation of refugees, given that in 2015 alone around 890,000 people fled to Germany. Among other things, it examines how Germany has implemented the human rights of those seeking protection on their arrival, in housing them

and during their stay in Germany.

The human rights situation is presented based on a range of data sources. In some cases, the Institute performed its own qualitative examinations. Further, publicly accessible data, statistics, documents and studies were evaluated, including materials from the Bundestag and all 16 regional parliaments. Additionally, the Institute used a questionnaire to collate data from the governments of the federal states.

**Law and practice of the accelerated asylum process raise questions as to the compliance of the processes with the rule of law and their fairness**

"In the late summer of 2015 the European asylum system failed. In this situation Germany satisfied its human rights obligations by deciding to accept refugees," states the report in praise of the federal government. At the same time, it criticises the fact that all changes to the law in 2015 and 2016 are problematic from a human rights perspective, for example the restriction of the right of family reunion, conditions on fixed abode or the classification of other countries as "safe states of origin". Additionally, the report examines the law and practice of the accelerated asylum process. These raise questions as to the compliance with the rule of law of the processes and their fairness. However, in some areas there are also positive changes, such as the reduction of bureaucracy for accessing the job market.

**Consistently prosecute incitement to hatred and violence under criminal law**

The report also deals with burgeoning racism and the increasing violence towards refugees. The Director of the Institute, Beate Rudolf, said: "I find it appalling that people who have just had to leave their homes because they were destroyed by bombs are having the roof over their heads set alight. There's no justification for hatred and violence." Attacks on refugee homes and asylum seekers and incitement to hatred and violence therefore need to be consistently prosecuted under criminal law, the report stresses. The German government and all politicians are called on to keep speaking out against racist statements and acts.

**Focus on enhancing information and education**

Education and access to education are two more central aspects in the refugee section of the human rights report. The report recommends focusing on enhancing information and education because racist attitudes are on the rise in public discourse. An analysis of the education plans of the German federal states shows that the topic of refugees is not generally addressed from the perspective of human rights. The Institute also asked refugee children how they find their situation at school and how their everyday life looks in shared accommodation. A key outcome was that refugee children want to start attending school as soon as possible, learn German and become part of society.

**All people, whether with or without disabilities, have the same right to vote**

In addition to the topic of refugees, the report addresses two further topics:

First, the fact that 84,500 people with disabilities are excluded from the right to vote. This means they are unable to exercise one of the central rights of a democracy, which is counter to the UN Convention on the Rights of Persons with Disabilities: all people, whether disabled or not, have the same right to vote.

Second, the report deals with the as yet incomplete process of drawing up a national action plan for business and human rights in Germany. The action plan relates to the question of what the German government expects from companies in their dealings domestically and abroad in order for them to satisfy their responsibility to uphold human rights and prevent their activities having any negative effects.

In future, the German Institute for Human Rights will submit an annual report on the development of the human rights situation in Germany for the period 1 July to 30 June of the following year. At the same time, a monitoring system is to be set up over the years. The aim of this is to regularly observe developments in the subject areas that the report dealt with in prior years.

**Developments in the human rights situation in Germany 2015/2016.**
**Report to the German Bundestag as per section 2 (5) DIMRG**
www.institut-fuer-menschenrechte
.de/menschenrechtsbericht/

**Summaries of the 2015/2016 report**
**German, English, Arabic, Plain text:**
www.institut-fuer-menschen
rechte.de/menschenrechtsbericht/

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## The German Institute for Human Rights

The German Institute for Human Rights is Germany's independent national human rights institution. It is accredited in accordance with the Paris Principles of the United Nations (A status). The Institute's tasks include political consultation, human rights education, information and documentation, application-orientated research on topics to do with human rights and cooperation with international organisations. It is financed by the German Bundestag. The Institute is also tasked with monitoring the implementation of the UN Convention on the Rights of Persons with Disabilities and the UN Convention on the Rights of the Child and has set up corresponding monitoring bodies for this purpose.
**www.institut-fuer-menschenrechte.de**

Students of the Master in International Conflict Management (Photo: Alexander Rentsch)

# Human rights are politically contested – even now

**In the Master programme in Intercultural Conflict Management, international students discuss transnational human rights activism and its foundations**

Alke Jenss

"It's more important for a state to ensure that people have enough to eat than guaranteeing a right to a free and secret ballot." One side of the classroom is for a "no" response, a corner is for "yes". Many students moved to the "no" side. Three stayed with "yes". Carlos explained: "This is of course a difficult question, but in my view the right to food is absolutely key. If you haven't got anything to eat, you can't fight for freedom." The students on the human rights course ask the really big questions. Specifically, the problem that some rights are frequently subordinated to other areas of law is intensively discussed.

This is less the case with non-transparent institutional landscape of the international human rights system: the development of the international pacts, conventions and agreements on the subject of human rights are foregrounded on this course. They are key data. They are taught as facts worth knowing at the start of the semester so that everyone enters the discussion on human rights with the same knowledge. Teaching on the subject of human rights should not bandy about empty phrases, but actually generate debate. The reputation of the international human rights system has suffered; with the current political system around the world, the students do not expect that human rights violations are investigated or sanctioned. As far as teaching is concerned, this disillusionment about the human rights system also means starting at a much more fundamental level and understanding rights as something political and contested as opposed to being simply universally fixed norms. A political understanding of human rights makes reference to the responsibility of the society and its democratic situation. This produces practical consequences for students' own occupational profile after they

graduating from the ASH Berlin as a Master of Intercultural Conflict Management. To what extent is the legal sphere significant in this area? As well as obtaining judgments, the legal sphere strives towards scandalising human rights crimes by means of strategic litigation.

A further issue we deal with is where we localise human rights violations. These not only happen in countries that are ranked poorly on the human rights scale by international organisations such as Freedom House. It means of course that the rights of refugees in Europe play a role in the seminar.

However, human rights violations frequently occur in what is termed the south. The International Criminal Court has indicted multiple people from African countries. As far as the seminar is concerned, this coloniality of the human rights system means looking into history and asking the authors of the Enlightenment as to what extent the human rights disseminated at the time did not apply to everyone: parallel colonial empires expanded over people who were denied the ability to think rationally and thus also denied their fundamental rights. The exhibition on German colonialism in the German Historical Museum, which opened in the autumn of 2016 and was visited by all seminar participants, is just one example of historical practice. The continuity of such ways of thinking within today's human rights discourse – and the frequently expressed criticism of that process – is illustrated by the seminar.

The seminar always links these basic points to specific examples of fights for rights that are actually taking place.

**Alke Jenss**
Lecturer in ICM/ University of Bielefeld

# Human rights for disabled people – developments and current situations

Swantje Köbsell

One would expect that the 1948 Universal Declaration of Human Rights applies to EVERYONE, and thus also to disabled people. In fact, however, until around 1970 disabled people were invisible as citizens and were merely objects for the medical profession and welfare as far as the UN was concerned. Disability was thus not a topic for the Human Rights Commission, but rather the Social Commission of the United Nations and the World Health Organisation. Thinking started to change slowly in the 1970s when the first "soft" (i.e. not legally binding) human rights documents were approved, and this marked the beginning of the slow recognition of the human rights of disabled people. The human rights of disabled people were not addressed in more detail until the 1980s: 1981 was proclaimed the "UN International Year of Disabled Persons", which was followed by a "UN Decade of Disabled Persons" (1983–1992). At the end of this decade, which had already seen a number of unsuccessful advances towards a dedicated human rights convention, a report on the human rights position of disabled people was commissioned. The report showed that human rights breaches against disabled people had been identified in all UN member states. Similarly, in 1993 the "Standard Rules on the Equalization of Opportunities for Persons with Disabilities" were approved – these, too, were "soft" international law and thus not legally binding, but did help change the political discourse around disability in many countries. In 2000 a study on the human rights situation of disabled people was commissioned. Its results were presented in 2002 and, like the 1993 report, it identified substantial human rights breaches against disabled persons and highlighted that a human rights convention for disabled persons was urgently required. In parallel to the production of this study, an "ad-hoc" committee was set up at the initiative of Mexico in 2001 with the objective of developing a human rights convention for disabled people.

A large number of member states and NGOs were involved in drawing up this convention. The NGOs also ensured that the initially unrecognised particular disadvantages of disabled girls* and women,* which would have otherwise remained invisible in the convention, were made visible via the "twin-track approach": Article 6 – "Women* with disabilities" explicitly refers to the intersectional discrimination of disabled women.* Additionally, there are references to gender-specific aspects in other articles.

As a result of the convention, disability around the world is no longer a medical or social-policy "problem", but has become a matter of human rights. This paradigm shift is also reflected in the underlying concept of disability, which takes forward the social model developed in the disability movements: "Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others" (Art. 1 para. 2). The UNCRPD did not introduce any new, or indeed "special", human rights for disabled people, but instead "spells out" the existing human rights based on the lived reality shaped by a multitude of human rights breaches and obliges what was then 172 signatories to transplant the rights into applicable law. The UNCRPD was approved by the UN General Assembly on 13 December 2006. In Germany it has been effective since 26 March 2009. The fact that Germany is still a long way from this objective was more than apparent in the 2015 review – however, the UNCRPD is a sound instrument that enables organisations and actors in the area of disability to constantly flag up failings and demand their rectification.

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# Healthcare for all?

**In Germany, asylum seekers, refugees and people with an illegal status have only restricted access to standard healthcare and offerings relating to health promotion and prevention**

Ina Schmidt

The human right to health is governed in multiple international treaties and agreements, including the UN Social Covenant, which is binding in international law, and the EU's 2009 Charter of Fundamental Rights, which is binding on all EU member states. Nonetheless, several hundred thousand asylum seekers, refugees and people with an illegal status in Germany have only restricted access to standard healthcare and offerings relating to health promotion and prevention



Several hundred thousand asylum seekers, refugees and people with an illegal status in Germany have only restricted access to standard healthcare and offerings relating to health promotion and prevention

These are precisely those people who, as a result of lived human rights breaches before, during and after they fled their homes, are exposed to multiple stress factors that affect their health. After all, precarious material circumstances, uncertain residency status, experiences of racism or restricted and segregated living in communal accommodation represent psychosomatic stress factors after arriving in Germany.

Additionally, communication issues when accessing healthcare services result in misdiagnoses and incorrect treatment, which often cause the patient's condition to deteriorate and the disease to linger for a long time. The reasons for this are not only linguistic and cultural barriers, but also a lack of transcultural competence among professionals within the healthcare and social care system.

**Discriminatory legal situation**

The fact that legal, structural and political circumstances for refugees in Germany can definitely be described as illness-inducing is most apparent in residency law. The German Asylum Seekers' Act only guarantees healthcare in acute emergencies. Migrants with an illegal status do not make use of any healthcare services for fear of being discovered and deported, or they only do so if they are critically ill. And not insignificant numbers find themselves in the hopeless and paradoxical situation that their residency status is guaranteed while they are seriously ill, and recovery would result in deportation.

This desolate situation needs to be tackled in that society makes a clear demand for an end to the discriminatory legal situation and for the same rights to apply to all people who live in Germany. But what can we as future practising social workers specifically do in our day-to-day practice?

Although we only have marginal influence over the legal, structural, social and political circumstances, it is possible to improve people's individual living conditions and tailor them in a manner that is beneficial to health.

This can be best illustrated using the example of social work in communal accommodation: its task is on the one hand to identify the needs and resources of the residents, and on the other to place them within existing offerings of health promotion in the surrounding area and coordinate this process. Social workers in communal accommodation act as multipliers in the refugees' social environment.

Currently there are various materials and recommendations about health promotion among refugees that the cooperation association Gesundheitliche Chancengleichheit has made available on its website. Additionally, a satellite session of the congress on poverty and health in Berlin dealt with the subject on 15 March 2017.

The tasks that await us in professional life are difficult and often frustrating. However, each and every one of us can make the world a little more humane and just.

**Ina Schmidt**
Social work student

# Human rights
# as a topic in further education

Karin Schwarz

Issues surrounding human rights have been given a prominent place in the new 2017 annual programme of the ASH Berlin Center for Further Education. We see this as the next stage in developing the last two years' content regarding the issue of migration, flight and asylum.

What aspects of this further education topic are important to us?
• Promoting social diversity
• Reflecting on personal attitudes and values
• Communicating practice-orientated approaches
• Clear positioning against racism and sexism

We hope that we have chosen suitable seminar topics. A small selection is presented below.

| Human rights as a topic in further education | |
|---|---|
| **49.17 Everyday racism as a topic in the kindergarten** (03/04/2017, 10.00 a.m.–5.00 p.m.) | **117:17 Intercultural consultancy** (25/09 to 28/09/2017, 10.00 a.m. – 5.00 p.m.) |
| **66.17 Restorative justice: taking responsibility, victims' perspective and redress in social work** (11/05/2017, 10.00 a.m.–5.00 p.m.) | **131.17 Refugees: access to medical and psychotherapeutic treatment** (19/10/2017, 10.00 a.m. – 5.00 p.m.) |
| **68.17 "They're all young men*"– gender in the engagement with racism and sexism** (15/05/2017, 9.30 a.m. – 4.30 p.m.) | **137.17 Sexist and racist – only other people are like that** (03/11 and 07/11/2017, 10.00 a.m. – 5.00 p.m.) |
| **83.17 Argumentation seminar: rebutting racism and sexism** (19/06 to 20/06/2017, 10.00 a.m. – 5.00 p.m.) | **142.17 A specific welcome – children of refugee families in the kindergarten** (13/11 to 15/11/2017, 10.00 a.m. – 5.00 p.m.) |
| **87.17 How can social work deal with the increasing inequality in our country?** (23/06 to 24/06/2017, 10.00 a.m.–5.00 p.m.) | **148.17 Transculturality as a position in social-work conduct** (20/11/2017, 10.00 a.m. – 5.00 p.m.) |
| **89.17 Language and power in social work** (26/06/2017, 10.00 a.m. – 5.00 p.m.) | **154.17 Let's talk about racism: power-critical perspectives on migration-social conditions** (01/12 to 2/12/2017, 10.00 a.m. – 5.00 p.m.) |
| **108.17 Institutional violence in services for the disabled** (13/09/2017, 10.00 a.m. – 5.00 p.m.) | **E.02.17 Social work with refugees – opportunities and boundaries of professional conduct. Certificate course.** (03/11/2017 to 17/06/2018, 8 dates) |

For fees and further information please see the respective course descriptions on the Internet on the further education pages at: www.ash-berlin.eu/weiterbildung/

Registration via e-mail to schwarz@ash-berlin.eu or via www.ash-berlin.eu/weiterbildung/

# Queer education

## Potentials and boundaries of human rights perspectives

In the "All included" exhibition at the Schöneberg Youth Museum (April–October 2016): demonstration placards created by young people on the subject of "your freedom, my freedom" (Photo: Pia Müller)

Mart Busche and Jutta Hartmann

As well as being a legal foundation, the reference to human rights also offers an ethical-normative basis for diversity-focused access. The central issue is the recognition of diversity and dignity of each individual person, of equality and equal value, of non-discrimination and the prevention of violence. The task of education is to promote human rights and bring them to life, e.g. the right to sexual self-determination. There is no doubt that the effect of the insights of the Yogyakarta principles, in which an international group of legal experts spelled out human rights in relation to lesbian, gay, bisexual and trans* people in 2007, is to promote an accepting attitude to lived diversity.

In the IFAF-funded VieL*Bar project, we look at education with the objective of making diverse gender-related and sexual ways of life into the natural horizon around which people organise their lives. We ask to what extent it is expedient to select a dedicated person-orientated approach as the primary access type, not least due to certain observations in the research field. To what extent do children and young people not learn a wide range of gender-related and sexual ways of life as being characterised by potential discrimination from the very outset? And to what extent do such access types further run the risk of invoking the differences and logic underlying the dominant order of heterosexual bi-genderedness – such as binary differentiation of woman–man, homo–hetero, cis and

trans,* norm(ality) and deviation in a confirmatory manner instead of reflecting on them in an age-appropriate and power-critical way?

Topics are constituted via accesses. How can the sense of sexual self-determination embedded in human rights be brought to life not only in the inter-personal context – freedom from: discrimination – but specifically also in the individual's relationship with him/herself – freedom for: diverse ways of life – without imposing on them the dominant structure of norm and deviation from the outset?

The challenges of a human-rights-orientated access approach are also visible in concrete education where young people do not allow human rights to be a common denominator, e.g. against the background of their own precarious (residency) status, the experience of war and flight or an orientation towards cis-genderedness and heterosexuality promising security of identity. There is a strong risk for educators to repeat a narrative that elevates the handling of human rights to an indicator of progressiveness and liberalism – and as such presents to young people their contexts (of origin) as backward, as needing to catch up.

Conversely, a different form of access may lie in conceiving the acceptance of gender and sexual diversity as also being a contradictory part of identity constructions of nation states in the global north. These include projecting homo- and transphobia on to those deemed different (due to migration)

and by doing so creating certain "us and them" identities. Seen in this way, the defensive reactions described are unsurprising. We, too, face the challenge of developing alternative ways of focusing on diversity that cast light not only on the ways in which such identities that reference each other are produced, but also on the permitted ambivalences (e.g. being a bit of both at the same time) and opportunities (e.g. strategic reasons for being one or the other at different times). Additionally, contradictions and omissions of human rights can be identified and by doing so their (hetero)normative and (post-)colonial foundations can be jointly criticised and pushed back.

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# Ethical reflection

## Human rights in social work – an application area for "ethical reasoning"

Ruth Großmaß

The fact that a professional, well-founded approach to social work involves reflection on the significance of human rights has been largely accepted at the latest since tasks relating to the "support and care for refugees" have increased, and it is a frequent topic of public discussions. Just like the basic rights under the German constitution – the moral concepts of justice, recognition or respect – human rights are also part of the normative foundations that play a role in professional practice.

Yet, how can the necessary ethical reflections be effectively applied in professional practice? It's no use simply repeating concepts such as "dignity", "justice", "recognition", "self-determination" or "inclusion". On the contrary: normative concepts have a short shelf-life, they become hollow and lose their morally binding power. Even if we criticise breaches of these norms (e.g. discrimination or unequal treatment), that does not mean that our own professional conduct is structured "well" or responsibly.

"Ethical reasoning" (cf. Großmaß & Perko 2011; Großmaß 2016) is a method that helps clarify ethical issues at the level of everyday practice. "Ethics" here has less to do with prescriptions and ideals and more with conflicts, dilemmas and difficult decisions: for instance, in many cases there are not enough resources to meet the needs of everyone we need to care for. How can justice be achieved in such situations? Sometimes social work exists in a force field between its administrative framework and professional standards. What can be done? Can compromises be found or do we need to become (socio-) politically active? Human rights often create tension between universally applicable rights/obligations and specific standards and rules. "Human dignity", for example, is a principle (Habermas 2011) that applies equally to each individual person. This is countered by the individually, culturally and gender-specifically different "dignity", in which "a way of living" (Bieri 2013) is expressed. Discussing such questions by presenting arguments and referring to an individual's actions, creating scope for action and identifying responsible solutions – that is the task of "ethical reasoning". The aforementioned textbook (Großmaß & Perko 2011) shows ways towards achieving this.



Großmaß, Ruth & Perko Gudrun (2011): Ethik für Soziale Berufe. Paderborn: Schöningh (utb)

**Literature:**

Bieri, Peter (2013): Eine Art zu leben. Über die Vielfalt menschlicher Würde. Munich: Hanser

Großmaß, Ruth & Perko Gudrun (2011): Ethik für Soziale Berufe. Paderborn: Schöningh (utb)

Großmaß, Ruth (2016): Ethische Reflexion in der Sozialen Arbeit. In: Soziale Arbeit 3. 2016, 89–101

Habermas, Jürgen (2011): Das Konzept der Menschenwürde und die realistische Utopie der Menschenrechte. In idem: Zur Verfassung Europas. Berlin: Suhrkamp (edition suhrkamp)

# Considerations on anti-/racism at the university

Iman Attia

As at many other universities, the Alice Salomon Hochschule Berlin has neither an anti-racism office nor does it explicitly list anti-racist or racism-critical objectives in its strategic objectives, nor are any strategies for an organisational development that reflects on racism in force. At the same time, the university is strongly associated with a commitment against racism and teaching and research that reflects on racism. That is doubtless to do with actual activities that are visible in publications, events and interventions of some university staff. These selective attempts to put racism on the agenda and combat it must not obscure the fact that the ASH Berlin is also a long way from being a racism-free place. How could that be any different: the university is part of society, a society in which racism occurs and is active on all its levels – a structural, institutional, discursive, cultural, social, communicative and subjective society. Alongside the general involvement of its members in racist discourses and structures, the University is an institution in which knowledge is delivered, disseminated and negotiated. Processes that produce knowledge are enmeshed not only in social discourses, but also in disciplinary and professional knowledge cultures that deliver not just racist, but also racist-critical and anti-racist knowledge. The levels discussed in racism research are also significant and effective in all their dimensions and forms at universities, in particular where racism is blanked out, downplayed or denied. Below I would like to sketch out some utopian situations as examples for discussion in the context of a racism-critical university.

**The life story as a ~~trap~~ resource**
The life stories of students and employees from various status groups are measured – supposedly objectively and constructively – not only based on which formal academic and professional qualifications were gained at what time, but the university is interested much more in which resources were available in each specific case and under what circumstances and in what way they were used, i.e. how large the difference between the starting position and the current status is. Even under neoliberal and meritocratic perspectives, this approach enables a person's performance and motivation to be assessed more adequately than simply taking a decision based on the outcome. It also takes particular account of the fact that other qualifications than the standard formal data and quantified evaluations may be important, especially in a professional context that prepares the candidate for working with people. Additionally, the university takes a step closer to its mission statement by

taking on "social responsibility" (mission statement 1) and advocates "Fairness, acceptance and respect of personal diversity" (mission statement 8), as it works against historical injustice and social power relations.

**~~Harmony and identification~~ Diversity and conflict-resolution capabilities**
For appointments to working groups and posts, whether a person fits into the team or has already worked for the university in a voluntary or precarious capacity is irrelevant. Instead the university seeks to minimise the hard effects of soft criteria. What students and staff talk about outside the office, seminar or committee and how they do so does not matter. A pleasant atmosphere and a beer after work or class are no more criteria for exclusion than prior work for the institution and a sense of connectedness with it would be. People whose families usually have less economic capital than other people with academic ambitions due to immigration policy often cannot afford to work voluntarily or to cobble together an academic career from teaching assignments and committee work. Additionally, when awarding such positions soft criteria frequently play a role, which can increase exponentially if they are not resolutely countered. The social, symbolic and cultural capital of racialised people usually opens up careers other than academic ones at universities, especially if they have not learnt the necessary behaviours in their respective parental homes and established networks. Potential white allies and networks often lack the sensibility and willingness to reflect on the racism experienced by black and ethnic minority academics, meaning that polite, innocuous conversations are often not possible. Instead of soft criteria, therefore, when appointing to posts and working groups, criteria that include reflection on racism are considered and, instead of seeking to reproduce one's own consensus and harmonising viewpoints, diversity, dissent and conflict-resolution capabilities become the starting point for constructively managing different interests.

**Racism is ~~not~~ a genuine component of teaching and research**
One's own entanglement in racism and experience of racism is an object of reflection. This enables the issue to can be handled appropriately and professionally with the future target groups. Racism is analysed as an institutional structure, social practice and personal experience and is included in the concept of teaching and research. On the basic level, the fact that racism impairs people's wellbeing

and how racialised people variously engage with that is discussed; how racism intrudes into relationships in families, peer groups, teams, between professionals and their addressees and is negotiated there (usually implicitly); how racism accompanies the development of subjects and influences their access to conducive, reinforcing resources. Racism/experience of racism is included in teaching and research as an intersectional topic in a differentiated, grounded manner and is taken seriously as a fundamental qualification. Racism and eurocentrism in empirical studies, methodological considerations and theoretical discourses are reflected on and supplemented or replaced through methods, designs and theories that take a post-Nazi, post-colonial and decolonial perspective. Homogenising, essentialising and dichotomising constructions are subjected to critical reflection and are contrasted with approaches that look at historical, legal, economic, social and cultural exclusions and their effects. In their teaching lecturers seek to offer all students of ASH Berlin access to the topics and how they are dealt with and also endeavour to be mindful of all future target groups in teaching and research. All status groups strive to use internal measures to compensate for the lack of effective legal protection against racial discrimination for students at the university and to advocate the introduction of corresponding provisions at the political level.

## Conclusion

Are the examples presented here nonsense, par for the course or utopia? Some will claim that they are already doing precisely that; others will reject the examples as impossible or inappropriate. The spectrum is a good reflection of current practice at ASH Berlin with all the challenges associated with the fact that the reflection of racism does not go far enough for some, whereas others believe they are confronted with it far too frequently. With the increasing social relevance of racism, engagement with the topic also intensifies at the university. All university staff have scope to decide how they want to handle it: whether they want to face each racism debate anew, spontaneously and without preparation, repeatedly avoid it or seek to end it, or even systematically prepare themselves for it and – as would be appropriate at a university – face up to current social and professional tasks in a manner that is theoretically differentiated, empirically founded and institutionally organised.

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## Definition of racism

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Racism construes "races" such that physical, cultural or religious aspects are manifested as genuine group characteristics that are of central importance to all group members and delineates a fundamental difference from one's "own group". The aim and/or effect of the construction of "races" is that group identity is created through demarcation from other groups and as such legitimises aggression, exclusion/inclusion and also privileging and discrimination.

The first sentence of this sentence places othering in focus: homogenisation (they're all the same), essentialisation (because that's how their race, ethnicity, culture, religion is) and dichotomisation (different from us). The second sentence focuses on the issue of racism as a social power relationship. Whilst racism may pursue an objective, it may also have similar effects without having a clear motivation and corresponding deliberate actions. Both the objectives and the effects impact two areas of differentiation: participation in society and (non-)affiliation to it, in the political, economic, cultural and social context. Racism is thus used as an attempt to negotiate and conclude images of oneself and others, facilitate or limit resources and access and legitimise their distribution, and justify privileges, discrimination and exclusions.

According to this definition, "races" are a product of racism and not vice versa, whereby today "race" (in the Federal Republic of Germany) is frequently replaced by ethnicity, culture or religion. Of course, this is not to say that there are no differences between people; on the contrary: things are assigned different meetings in different contexts without any one meaning having to be more progressive, more emancipated or more valuable; social practices and ethical values also differ beyond racialised contexts; historical processes, political decisions and legal norms result in different access and positioning for subjects and groups – including as a result of racism. In contrast to the recognition of cultural and social differences whilst at the same time compensating for the effects of historical, political, discursive and legal differentiations and discrimination, the aim of othering in the context of social power relationships is to fix (non-)affiliation and justify privileges and discrimination. Although racism has a function, this does not in turn mean that everyone is racist intentionally, but rather that everyone is enmeshed in racist discourses and relationships. The neglect of racism frequently has racist consequences as it fails to recognise the different positionings, perspectivisations, significance allocations, resources, accesses, sensitivities, life stories etc. For that reason, racism is recognised according to its effects and not its motivations.

As a social power relationship, racism is therefore not a prejudice, cliché or stereotype and not aimed at foreigners or aliens per se, but at people who are made into others, at Sinti and Roma, Jews, Muslims, and black and ethnic minorities. Different forms of racism can satisfy different functions and have different effects, they can transform and overlap and be entwined with other social power relationships. As a complex social relationship, therefore, racism in the university sector acts on different levels.

# The right to cultural participation – social-cultural work in times of flight

Elke Josties

"Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits." So says the Universal Declaration of Human Rights, Article 27, para. 1 – 1948.

Are the arts accessible to all, is participation in cultural life guaranteed? Who gets to define what the arts are, whose cultural and artistic practices attract society's recognition and advancement? Do arts and cultural practices not instead serve to distinguish certain groups, and can they even

biographical stories of people fleeing their homeland.[2] The evaluation of such projects in Berlin shows for example that young people with a refugee background are perceived as people with their individual, (age-)specific interests. (Youth-)cultural practices should not be reduced to the presentation of clichéd "national cultures". On the contrary: most young people and young adults are globally networked. Some examples of work with young refugees in the field of youth work and street work that relate to global mu-



"Stimmen.Los!" performance on 21 June 2012 in the refugee home in Berlin-Marzahn (Photo: Christoph Happel)

result in exclusion – particularly of the addressees of social work practice? How can the potential of art and culture be exploited? And what can cultural work with refugees achieve at all – for instance with music?

## Opening access, facilitating participation

The challenge in social-cultural work with refugees is to avoid "reducing people to their refugee status (whilst still managing) to make refugees and their stories visible".[1]

Over the past two years there have been a range of projects dealing with cultural education that repeatedly focused on

sic cultures such as hip-hop are worth mentioning: in the Jugendkulturcafé (Youth Culture Café, JKC) in Kamen, the young visitors always come from a wide range of backgrounds. Here young refugees can easily access the public area – and also the music zone. In this way young people who have fled western Africa can produce and record their own raps and perform them in the JKC. "For Kanté, who has been living in very cramped conditions for a while, making music means above all: doing something (...) 'What does music give us? It gives us freedom!', said Adam. But the tracks don't necessarily deal primarily with refugee realities."[3]

**Stimmen. Los! A project by students of social work at the Alice Salomon Hochschule**

In 2011/12 – before the current wave of refugees – students of the Alice Salomon Hochschule Berlin (ASH) organised the project "Stimmen. Los!" for children and young people in a refugee home in Berlin-Marzahn. The students came from a range of different backgrounds and spoke multiple languages. This was beneficial when they came to approach the residents of the home. Some of the students were themselves practising musicians and their project work connected tasks of academic social work (such as support with homework, helping with visits to public authorities) with musical education. Working with the Berlin "Rock-Mobil" and HipHop-Mobil" projects and the ASH choir "Singin' Alice", they regularly offered a range of public music workshops that concluded with a public performance and a festival in the refugee home in July 2012.

The students' central concern was to facilitate cultural and social participation for children and young people through low-threshold cultural offerings, to include local cooperation partners such as a circus and youth project, and to ensure a permanent cooperation network for the home, which was socially very isolated. The latter concern is a lofty aspiration, and the students touched on it but were unable to pursue it any further themselves due to the time limitations on their project. In refugee homes fluctuation and constant existential challenges for the residents (above all uncertainty of their residence status) make it difficult to be a continual part of a project such as "Stimmen. Los!". However, whenever the children and young people did take part and made music/sang/beatboxed and rapped, spirits were high. One of the students involved summed it up as follows: "It may just be something small that helps. For example, V. (a young refugee) said today that he really enjoyed playing drums for three hours, learning new things and playing things again that he had learnt before. He went away grin-ning and is looking forward to the festival tomorrow and performing, and he wants to show what he can do."[4]

**Potentials and boundaries of social-cultural work**

Social-cultural work, such as has been taught and developed at the Alice Salomon Hochschule Berlin since the 1980s, engages in social policy and is geared towards the empowerment of above all socially disadvantaged individuals, groups and communities. Social-cultural work develops different profiles depending on the circumstances, interests and resources of addressees and the fields of practice. It offers people space, resources and suggestions for discovering and developing their creative potential. At the heart is aesthetic-artistic creative production.

Social-cultural work can make a contribution to how the addressees manage their lives in that it attempts to "identify and reduce social exclusion"[5], it can open up access, express, critically highlight and publicise experiences of being disadvantaged and discriminated against in an artistic-symbolic way, but it cannot solve structural social issues. A culturalisation of social issues is problematic. The strength of cultural work is "the articulation, the generating attention, the audio-visualisation. However, when the lights have gone out and the glossy posters have been rolled up, the individuals need to be able to manage their own lives and are part of the exclusional or inclusional logic of other subsystems".[6]

Culture is made by people – by each individual and collectively. Culture impacts people and shapes them. It is not predefined, and there can never be "one" or "the" culture. Instead, people are constantly creating new living practices, forms of expression and agreements through social action. Everyday cultures, ways of working and living, and also music, the arts, the environment and the media are in constant and varied flux. Social-cultural work supports people in finding their own and common paths within this dynamic.

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[1] Maren Ziese, Caroline Gritschke: Flucht und Kulturelle Bildung. Bestandsaufnahme, Reflexion, Perspektiven. In: idem (Ed.): refugees und Kulturelle Bildung. Formate und Konzepte für ein neues Praxisfeld. Bielefeld: 2016, p. 26.

[2] There follow slightly revised statements from the academic article: Elke Josties (2017): Musik – eine universale Sprache? Musik und Soziale Kulturarbeit in Zeiten von Globalisierung, Migration und Flucht. In: SozialAktuell. Bern: avenir social, p. 22–24.

[3] http://www.rp-online.de/nrw/panorama/kamen-fluechtlinge-rappen-ihre-geschichte-aid-1.5398070 - comment-list. Accessed: 15 December 2016.

[4] Quote from Anne-Katrin Ragwitz, student at the Alice Salomon Hochschule Berlin. In: Landesarbeitsgemeinschaft Populäre Musik Berlin e. V. ©: Stimmen. Los! Eine musikalische Begegnung. DVD via direct sales.

[5] Treptow, Rainer: Kulturelle Strategien und soziale Ausgrenzung. "Shortcut Europe" conference on 5 July 2010. In: http:// www.fonds-soziokultur.de/shortcut/07/news/kulturelle-strategien-und-soziale-ausgrenzung/, p. 5, accessed: 19 April 2013.

[6] Treptow ibid., p. 7

# "Alice solidarisch"

## Productive intervention and involvement for a university-level human-rights-led development

Urte Böhm, Elène Misbach, Silvia Oitner
and Bettina Völter

What contribution can "alice solidarisch" (Alice in solidarity) make to reinforcing the role of human rights? How can this contribution be pursued further and made accessible to even more actors?

With its "alice solidarisch"[1] focus week in January 2016, the ASH Berlin successfully ran an educational week with an inter- and transdisciplinary focus that appealed across the study



programmes and member groups. Its aims were: to visualise and aggregate expertise and activities relating to the topic areas of flight, migration, asylum and inclusion, racism, right-wing extremism, anti-racist and emancipatory initiatives; the mutual transfer of the knowledge gained between university and practical act-

ors and the inclusion of a range of disciplines and professions. Participants included student-led and refugee initiatives, self-help organisations and actors from social movements.

We see the focus week as a social innovation that has generated or shown the need for further innovations,[2] it has contributed to the awareness and strengthening of human rights at ASH Berlin. At the same time, however, it has clearly shown that the mission statement to accept social responsibility as a university needs further refinement, focusing and outlining; and it also requires additional strategies for promoting the transfer between theory and practice with stronger inclusion of human rights and the perspective of anti-racism.

The right of access to education, of involvement and promotion of health and the protection of everyone, and

above all of all vulnerable groups, remain the primary concern of "alice solidarisch" today. A wide range of formats and participants were deployed to develop initiatives, including those that were in the spotlight of the focus week – human-rights-led. For example:

- Concept for protection against violence and complaints management for vulnerable groups in refugee accommodation,
- Model project for the admission of refugees to study programmes at the ASH Berlin: Pre-study programme and Refugee Office,
- Development and dissemination of health information for refugees,
- Sport and leisure opportunities for all,
- Engagement with right-wing extremism and (structural) racism within and outside the university.

On the operative/strategic level, the question for the future is how to include human-rights aspects in new joint projects and structures, in the further development of the professions and in overarching strategies of publicity and lobby work. For the ASH Berlin, cooperation with civil-society actors, including for purposes of concept development, as well as collaboration between civil-society actors and university staff as equals is an integral part of the orientation towards processes and participation within the transdisciplinary concept. The aspect of strengthening human rights needs to be considered a concrete objective in all projects.

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[1] For details on the focus week cf. the two articles in alice 31 and 32: Böhm, Urte/ Misbach, Elène/ Oitner, Silvia (2016 a): Nach der Fokuswoche ist vor dem Hochschultag. Rückschau und Ausblick auf „alice solidarisch" und Fokuswoche. In: alice Magazin no. 31, p. 47–49. Böhm, Urte/ Misbach, Elène/ Oitner, Silvia (2016 b): Eine runde Sache: Hochschultag – Fokuswoche – Hochschultag. Schlaglichter auf den zweiten Hochschultag „alice solidarisch". In: alice Magazin no. 32, p. 100–101.

[2] Cf. Böhm, U./ Misbach, E./ Oitner, S./ Völter, B. (in preparation): alice solidarisch an der Alice Salomon Hochschule Berlin: Von einer innovativen Praxis zu sozialen Innovationen? In: Prasad, Nivedita (Ed.): Soziale Arbeit mit Geflüchteten – Rassismuskritisch, Professionell, Menschenrechtsorientiert, Verlag Barbara Budrich.

# No to violence against women!

## The "Violence against women" series of events at the ASH Berlin

Maja Loeffler

On the occasion of the International Day for the Elimination of Violence Against Women,* which takes place on 25 November each year, a joint event between the ASH Berlin and the district of Marzahn-Hellersdorf was held for the first time. Participants were Prof. Nivedita Prasad, the ASH Berlin women's officer Deborah Antmann, the district women's and equality officer Maja Loeffler and the Marzahn-Hellersdorf working group against domestic violence. This special partnership between academia, public administration and practice was consciously reflected in the lecture series, and an especially varied range of topics with a mixture of theory and practice as well as marginalised topics emerged. The series was opened by the then district mayor Stefan Komoß and the chancellor of the ASH Berlin Andreas Flegl on 2 November. Both emphasised the extent of domestic violence and highlighted the importance of the series of events. With her introductory presentation "Violence against women as a human rights breach", Prof. Nivedita Prasad provided an overview of the legal situation in Europe and Germany and the options that are and could be available to bring legal action. On 9 November Jenny-Kerstin Bauer illustrated the extent of "Digital violence against women"* in the large lecture theatre of the ASH Berlin. Digital violence primarily affects younger women* up to their mid-30s and represents an extensive intrusion into the social life of the women.* This topic will attract even greater attention in future. The week saw the event series move across Alice-Salomon-Platz to the town hall, where the topic

of discussion was "Violence in teenage partnerships". TDV (teen dating violence), the technical term, is a further issue that to date has attracted little attention in academic circles. The theoretical introduction by Mette Brix was complemented by Annemone Liewald from MiM e. V. and Anja Muhs from Die Kappe e. V., who spoke about their experience with teenagers* in the district. This painted



Jenny Bauer, MRMA graduate (Photo: Nivedita Prasad)

a comprehensive picture of the needs of young people, in particular for a more gender-sensitive approach to support for questions about love and the first relationship. The closing event was also held in the town hall on 23 November and focused on work with offenders. Dr. Ralf Puchert explained how European partnerships and networks for work with offenders are urgently needed due to the small number of projects. Gerald Hafner provided an extensive insight into the work of the Berlin men's counselling services to combat violence against

women.* It became clear that work with offenders needs to be expanded, especially in terms of cooperation with the women's counselling services. The closing remarks by the Dean of the ASH Berlin, Prof. Dr. Uwe Bettig, and the new district mayor Dagmar Pohle demanded even greater focus on the subject. The joint hoisting of the new flag of the Marzahn-Hellersdorf working group against domestic violence saw a successful conclusion of the series with a clear message to the public: No to violence against women!*

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**For further information see:**
www.berlin.de/ba-marzahn-hellers
dorf/politik-und-verwaltung/beau-
ftragte/frauen-gleichstellung/haeus-
liche-gewalt/

Esra Erdem

**Notes on the panel discussion at
Alice Salomon University**

# <span style="color:red">Activist Research for Human Rights:</span> Four Case Studies on the State of Democracy in Turkey



Prof. Dr. Nivedita Prasad speaks during the panel discussion (left), the audience (middle),
Prof. Dr. Erdem (Photo: Marc Ludwig)

On 26 January 2017 a panel discussion was organized at the Alice Salomon University on the topic of fundamental democratic rights in Turkey. This was prompted by the serious concerns raised recently about the violation of human rights in Turkey. In cooperation with the Bildungswerk Berlin of the Heinrich Böll Foundation, the English and German language Master's Programmes – in the field of Social Work as a Human Rights Profession (MRMA and SWHR) – invited scholar-activists from Turkey. Without exception these guests had themselves borne the brunt of the recent turn to authoritarianism in Turkey. The panel spurred reflection on the crisis of the Turkish democracy from a human rights perspective.

The panelists' texts are published below. By way of introduction to these let me briefly mention three recent turning points in the socio-political situation in Turkey. First, as the Turkish-Kurdish peace process disintegrated in the autumn of 2015, curfews and military operations in the name of national security intensified in the Kurdish regions. As Dr. Muzaffer Kaya explains in his contribution to alice (see pages 42-43) below, the impact on the civilian population was severe and prompted the now famous petition entitled "We will not be party to this crime!" of the Academics for Peace initiative in January 2016. The petition's 2,212 signatories have since faced criminal investigation by state authorities and massive repressions on the part of university administrations.

The second development was the failed coup attempt of July 15th 2016. This triggered the government's imposition of a state of emergency with its massive restrictions, including the suspension of the European Convention on Human Rights, the dismissal and/or detention of tens of thousands of people without due process, the curtailment of civic life through the closure of media, universities, NGOs and trade unions, and the increased frustration of representative democracy in the Kurdish



regions, including the replacement of elected mayors by government-appointed trustees and the arrest of numerous politicians of the opposition party HDP (People's Democratic Party). In their contributions to alice, legal scholars Ceren Uysal and Dr. Gülşah Kurt consider the consequences of the current mode of governance to the rule of law in the framework of both historical patterns and recent shifts in the global security paradigm (see pages 44-45).

The third event is just unfolding as I write. That is, as of February 2017, a referendum is planned in Turkey for mid-April 2017. This will measure fundamental shifts in the balance of political power in Turkey. The consequences for human rights of this referendum remain to be seen.

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# The Struggle for Peace and the Freedom of Speech as a Human Right: The Case of Academics for Peace

Muzaffer Kaya



**Dr. Muzaffer Kaya**
(Photo: Susanne Frietsch)

The Academics for Peace initiative (commonly known by its Turkish acronym BAK) was formed by a group scholars in November 2012. At that time there was a hunger strike by Kurdish political prisoners demanding an end to the solitary confinement of the Kurdish leader Abdullah Öcalan and the recognition of the Kurdish language in public institutions. The BAK declaration in support of the prisoners' demands was signed by 264 scholars from over fifty universities who announced that they would discuss the matter in all academic contexts accessible to them such as seminars, conferences and publications.

Following the agreement ending the hunger strike, peace negotiations started between the Turkish government and the Kurdistan Workers' Party (PKK) in January 2013. BAK contributed to this process with members' expertise on the process of peace-building and by engaging in comparative research involving case studies of Columbia, South Africa, and Ireland. However, the peace process was curtailed after the elections of June 2015 when the Justice and Development Party (AKP) government lost its majority in the Turkish Parliament, thus frustrating efforts to shift to a strong presidential system.

Clashes between armed Kurdish militia and Turkish security forces in Kurdish cities increased rapidly after a suicide bomber killed more than thirty leftist student volunteers in Suruç in July 2015. Shortly afterwards, the state security forces declared extensive curfews in several Kurdish cities, even preventing people from fulfilling their most basic needs, such as food, water, health and education. Bombings by the Turkish army followed, resulting in massive destruction, civilian casualties and forced migration. The bomb detonated at a peace rally in Ankara later that year killed more than a hundred peace activists and paralyzed the democratic opposition of the country.

The BAK petition "We Will Not Be a Party to This Crime!", which came out in January 2016 under these strained circumstances, criticized the massive human rights violations of the Turkish security forces in the Kurdish cities and demanded a return to the peace process. The petition was signed by 1,128 academics from Turkey based at 89 universities all around the world, plus 355 well-known international scholars such as Noam Chomsky, David Harvey, and Judith Butler.

Since the petition held the Turkish state directly responsible for the ongoing violence in the Kurdish provinces, it was not surprising that the AKP government [again in power following its success in the November election] – and especially Erdoğan – responded harshly. The peace petitioners were agressively targeted by a multitude of agencies including local police forces, the judiciary, university administrations, ultra-nationalist student groups, the media, and conservative groups. In a blatant violation of the freedom of expression, people were dismissed from their jobs, de-

tained, threatened, and forced to leave their homes, just because they had signed a petition. Four academics, including myself, were arrested and jailed for 40 days, charged under the Anti-Terror Law with "propaganda for a terrorist organization." The case continues to date, with the prosecutor demanding that we should be charged with "insulting Turkishness and the Turkish State". In spite of this massive assault, the number of signatories has increased to 2,212 and many civil society organizations (such as those of students, gays, feminists, and the professional associations of authors, lawyers, artists, and journalists etc.) declared their solidarity with BAK.

Since then, signatories of the BAK petition have faced disciplinary investigations at their universities as well as criminal investigations initiated by state prosecutors. The complicity of colleagues sitting on designated university committees is a particularly egregious disgrace for Turkish academia. The number of dismissals have increased rapidly since the state of emergency was declared in July, 2016, reaching more than 400 of the signatories. Consequently, the stakes are increasingly higher and a growing number of BAK members are now in exile, mostly in Europe.

Despite the severity of state pressure, BAK – which is also a women's movement (with more than half of the signatories and roughly 90 per cent of active BAK members being female) – has stood its ground. We try to build a strong solidarity network which in-

cludes the building up of alternative academic organizations, acquiring knowledge of current developments, and raising financial support for our unemployed colleagues. I believe that BAK has changed the role of academia in Turkey, not only highlighting a more engaged and critical perspective on research, but also questioning academic hierarchies. While many of us are struggling with precarious conditions, we also take the opportunity to engage with our peers and to organize international BAK networks to continue the struggle for peace and democracy.

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# The right to defence in court in Turkey under the State of Emergency

Ceren Uysal

The right to defend oneself in the courts is an essential element of the right to a fair trial. In Turkey, as elsewhere, it needs to be discussed in relation to the other elements of a fair trial, among them the independence of the judiciary and the immunity of lawyers.

The regulations which have been issued in Turkey under the state of emergency since mid-2016 have severe repercussions in terms of the right of a court defence. For instance, the duration of detention has been extended to 14 days. The right of access to a lawyer and even the right to choose one's own lawyer have been restricted. When all decrees are taken as a whole, it can be argued that the state of emergency is used as an instrument for a more substantial transformation.

One of the most important elements of the right of defence is the defendant's right to be informed of the charges as a matter of course. In this respect, conditions under the state of emergency are quite extraordinary. For instance, the judges and prosecutors who were arrested in the aftermath of the coup attempt (and who are still in jail), based their defence on the state prosecution's accusation that they were members of the organization of the religious cleric Gülen. Only much later were they informed that they were accused of threatening to disrupt the constitutional order.

A further principle that is currently under threat is the presumption of innocence. Prior to the declaration of the state of emergency this principle was generally upheld, at least in the case of civil offences. Of course, even in these cases, it was not always upheld, often hinging on the social or ethnic background of the defendant. But now – with the combination of judicial and administrative practices as established by governmental decrees –the situation is clearly worse than in the past. It could even be argued that the presumption of innocence fails currently to be upheld for at least half of the Turkish population. Hundreds of thousands of civil servants have been dismissed on charges of having links to a terrorist organization. Obviously, in a state ruled by law such practices of dismissal would require due process of law. Today, however, the lives of hundreds of thousands of people are affected by judgements that were issued without any judicial process.

Another topic of grave concern is the immunity of attorneys. State repression against lawyers has a long history in Turkey. Many human rights lawyers were arrested in the past and currently hundreds of lawyers are in prison. Taken together, the legacy of past repressions and today's circumstances have turned out to be disastrous for the right of defence. Many accused under the state of emergency have even been unable to find a lawyer because lawyers are afraid to represent them.

Finally, the independence of the judiciary is a matter of great importance. It is evident that the judiciary has never been independent in Turkey. Quite to the contrary, a clear pro-state bias was discernible in the judicial mechanisms whenever the accused were Kurdish or socialists. However, nowadays we are facing a fundamentally different situation. Due to the arrest of approximately 3,000 judges and prosecutors in the last months, the judiciary is working under enormous political pressure, with many of their nominally independent colleagues fearing that they themselves might be arrested. Not surprisingly, under these circumstances the interests of state power are accorded a higher priority than the defence of an individual suspect or the presentation of concrete evidence.

To conclude, Turkey never was a [judicial] rose garden. But the mistrust in the judiciary has never been as profound as it is today. In the period before July 2016 when the state of emergency was declared, violations of the right of defence mainly effected critics of the regime. But since then, ordinary citizens are equally experiencing the injustice of being denied the right of defence. Given the unstable balance of political forces inside Turkey and the cases before the European Court of Human Rights, the months ahead will prove crucial for the future of constitutional democracy in Turkey.

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**Ceren Uysal**
(Photo: Marc Ludwig)

# The security of human rights: Paradigm or transformation?

Dr. Gülşah Kurt

The very troubling developments in Turkey are now clear to see by the whole world. Undoubtedly, the failed coup attempt of July 2016 played a very large role in this drama. But it is crucial to emphasize the fact that Turkey's current situation is not a direct result of the failed coup. The country was headed towards a permanent state of emergency for a long time before that incident. This is a trend of prior origin as is apparent in the paradoxes of the transformation of Turkey's legal structures during the last decades.

Even before the Justice and Development Party (AKP) government was formed, the legal system of Turkey had been significantly amended to extend fundamental rights and freedoms to citizens. In its first three years in power, the AKP government continued, if cautiously, along this path in its pursuit of winning acceptance for Turkey's candidature to join the European Union. However, this trend was reversed late in 2006 as a result of internal events. Amendments to the Turkish Anti-Terrorism Law were adopted by Parliament. This signaled an approach that contrasted with the extension of fundamental rights and freedoms. The amendments in the Law on Police Powers followed this in 2007. This paradigm shift continued with further legislative changes along the same lines.

The most critical changes occurred within the criminal justice system. When seen in the context of the tone of the government's political discourse and its actions at that time the larger trend during these years can best be summarized as a withdrawal from the target of democracy to such an extent that one can call it the initiation of authoritarianism. However, it is important to also point out that globally this paradigm shift was hardly limited to Turkey. We have been witnessing extensive changes in many countries' legal systems within the last two decades with the aim of fighting terrorism.

There is no doubt that the 9/11 terrorist attacks were a turning point for the international community. As a result of the attention focused on countering terrorism since then, the rate of adherence to UN counter terrorism instruments has visibly increased. Security based approaches in criminal law were highly legitimized after this incident. Thus, criminal law has undergone a transformation in pursuit of countering and preventing terrorism. Motives like preventing terrorism and maintaining national security have led to significant changes in the basic concepts and targets of criminal law. The latter has become a discipline which aims to prevent terrorism rather than react or repress it. Thus, the scope of criminal law has been expanded to include investigative powers for preventive purposes and the targeting of individuals or groups who do not really pose any kind of threat to society.

Since 11 September 2001, it is not only the concept of terror that has changed, but also the terminology legitimizing the new anti-terror measures. We are no longer dealing with a "struggle", we are now at "war". In the context of the transformation of criminal law of the discourse of "war" has become the norm. Hence, in response to terrorist attacks, governments initi-



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(Photo: Marc Ludwig)

ated a shield of admissibility for the extraordinary methods and tools they would use. Many countries adopted laws and measures which were in violation of fair trial guarantees and other human rights standards. It should also be kept in mind that the broad yet vague definition of "terrorism" also enables abusive legal interpretation.

Undoubtedly, this transformation has caused major damage to the contemporary principles of human rights and has made a myth of the rule of law in many contexts. That leaves us with the question of whether we are really so naive as to confine the problem within the "paradigm of security and human rights", or whether we need to develop a more comprehensive view which also involves the structure of the state and its tendency to react in an authoritarian way.

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# Human rights

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Title: The Logo for human rights resulted from the 2010
founded initiative "A Logo for Human Rights". As a
universal symbol, the Human Rights Logo can help to
draw attention to human rights violations and give a voice
to those fighting for their rights. The winning design is by
Predrag Stakic of Serbia and combines the shape of a
hand with that of a bird (dove of peace).

# Notes

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