



PERSPECTIVES

from the Humanity in Action Network | Volume III

EMERGING ALGORITHMS, BORDERS, AND BELONGING

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In August of 2013 while traveling back from a trip to Brazil, I encountered, for the first time, a set of blue and bulky stations at the George Bush Houston International Airport. Exhausted after a cramped, 6-hour flight from Rio de Janeiro, I begrudgingly smiled as the machine snapped my photo, scanned my passport, and asked a series of questions. After a short pause, it printed a receipt branded with a bold, red X on the photo of my face. An officer stood in the middle of the vast room, directing the flow of human traffic; she briefly glanced at the X on my paper and pointed at the line on the left, urging me to join my fellow cohort of travelers bearing the scarlet letter. As I looked around, one distinct pattern emerged from the human data points: we were all United States (US) citizens—one of the precursors to being eligible to use the Automated Passport Control (APC) kiosks to begin with—but the two lines had distinct demographic characteristics. Upon further observation, I realized that the line on the left, where I stood, was composed mainly of people of color, slightly accented English, and mixed heritage families, who had spent a significant time abroad. Meanwhile, from what I could see, the line on the right was made up of white Americans, with more tempered travel experiences and no foreign relatives accompanying them on the trip, giving them a clean receipt.

Earlier that year, the US government had rolled out these kiosks, which rely on an algorithm, a series of pre-determined steps and calculations programmed into a software, at major airports to assess a passenger's status for increased manual inspection. According to the US Customs and Border Protection (CBP), a subsidiary of the Department of Homeland Security, these self-service kiosks are meant to help

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travelers “experience shorter wait times, less congestion, and faster processing.” What they fail to mention is that this technology is opaque and, from the user’s perspective, unpredictable. When it was finally my turn to speak with a CBP officer, I explicitly brought up the issue. “Why was I flagged as needing extra security check?” His face went blank. “Well, these kiosks are new here, so it could be that it had never encountered a last name like yours, hyphenated,” he suggested.

Often, technological progress is assumed to go hand-in-hand with social process. But, as this anecdote highlights, technology can also be used to process, classify, and control a population, resulting in a potentially biased outcome. Throughout this piece, I will use the term technology to capture the rapid growth and consequent reliance on and necessity for governance of information technology systems, such as databases and algorithms. How do these new interfaces affect the immigrant experience, and, moreover, what values do these technologies reflect? By interviewing academics, coders, and policy experts in this area, as well as engaging with the current debates in algorithmic governance, I identify three major trends at the intersection of technology and immigration: discrimination, surveillance, and resistance.

DATA AND TECHNOLOGY AS A TOOL OF DISCRIMINATION: THE CASE OF BORDER CONTROL

A number of other countries, from Canada, Germany, and Spain to the United Arab Emirates, have implemented automated systems at customs, also known as Automated Border Control (ABC) or e-gates. The process is strikingly similar across these nations, reflecting an industry push for standardization; a traveler appears before a machine, which takes a photo of the passenger and uses a facial recognition algorithm to compare the picture to the one on the passport. However, the specifics of these methods of classification remain unknown to the general public—thealgorithms shielded behind proprietary laws and an unsubstantiated fear of gaming the system. Bruno Latour, a heavily-cited philosopher of science, argues that technology operates as a black box and that “when a machine runs efficiently...one need focus only on its inputs and outputs and not on its internal complexity. Thus, paradoxically, the more science and technology succeed, the more opaque and obscure they become.” In other words, so long as technology works, we turn a blind eye to the intricate inner processes. Only at the point of rupture, such as the inefficiency of false positives, do we begin to question the system itself.

Indeed, the black box is the default *modus operandi* of the ABC systems, leaving the user and casual observer with unanswered questions. For example, how does this algorithm decide to filter the original population into two distinct groups? What



criteria are used in designating an individual for further inspection? Ultimately, human designers lie behind the inscrutable machine decisions, encoding specific values into the categories and process behind ABC systems.

According to reports by the German Federal Office of Information Security, in 2012 approximately 500 users passed through EasyPass, the German equivalent of ABC, with an 88% success rate, defined as smooth border crossing that did not require manual inspection, and a 12% operational rejection rate, defined as additional manual inspection by a border guard. Put more concretely, 1 in 8 passengers required additional screening by an officer. About 5% of rejections were due to a failure in facial recognition, although whether this was due to the user or the algorithm remains unclear. Approximately 7% of rejections were due to other reasons, such as “non-compliant behavior, document check failed, or hits from background database checks.”

Not all countries are as forthcoming with their data, thus the German case may not be representative of the larger sample of ABC systems. However, it does raise some red flags regarding the accountability, transparency, and fairness of algorithmic decision-making. In particular, the facial recognition algorithm has a set of narrow requirements in order to adequately and precisely cross-identify the photo to the one on the passport. The non-ideal conditions that can compromise the integrity of the facial recognition algorithm include “low quality images, non-International Civil

Aviation Organization (ICAO) compliant photography, inhomogeneous illumination, lack of neutral expressions and poses, skin conditions, aging, inhomogeneous background and object occlusion, extreme temperature and humidity, scalability problems, and non-ICAO compliant performance and efficiency.”

At first glance, these requirements appear neutral and, although highly technical, do not raise issues with discrimination. However, facial recognition algorithms have a notorious history of misidentifying people of color. In June of 2015, Google Photos, an app that boasts the ability to organize and automatically label pictures, received backlash for incorrectly labeling two Black users as gorillas. Jacky Alciné, a web developer, took to Twitter to alert Google of this egregious bug, uploading a screenshot of the misclassification, and a Google employee quickly responded, apologized, and sought to fix the problem. Ultimately, Google’s patch up consisted

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of eliminating the category of gorillas altogether, so the underlying algorithmic logic may have been left uninterrupted. Was this simply an error in the code, or was something more nefarious at work?

These types of biases are not uncommon in machine learning, a specific type of algorithm that's used to make out of sample predictions. Here, the training datasets—the photos of faces, animals, landscapes, and objects fed to the algorithm in order to help it along its process of learning to correctly identify and categorize images—are vital to its overall success. If, for example, the data lacks a substantial number of people with a darker complexion, then the algorithm will most likely classify these groups inaccurately.

Likewise, the facial recognition algorithms that undergird the e-gates have difficulties identifying people who deviate from the norm, as defined by the baseline set by the original dataset. Innocuous variables such as glasses or hairstyles can throw the facial recognition algorithm off target, although as the programmers become familiar

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with the setting in which these algorithms operate, the code in turn becomes more sophisticated in identifying the weary, haggard faces of travelers passing customs. Previously, commercial-grade facial recognition software, like the one used by Nikon and Hewlett-Packard, has failed to recognize Asian and black users, as their features fell outside of the scope of the algorithm's prowess. As Clare Garvie and Jonathan Frankle, Fellows at the Center on Privacy and Technology at Georgetown Law, explain in a piece in *The Atlantic*, “this is not to say that facial recognition algorithms are

‘racist’ or that racial bias has been intentionally introduced into how they operate... [but rather] the engineer that develops an algorithm may program it to focus on facial features that are more easily distinguishable in some races than in others—the shape of a person's eyes, the width of the nose, the size of the mouth or chin.” These instances illustrate just how easily algorithms can perpetuate social inequalities and the tangible trade-off between perceived efficiency and fairness of a technological system.

This technology is being employed by Frontex, the organization charged with keeping the political borders of the European Union (EU) intact. Recognizing the fragility of the system, Frontex has advised for a two-step verification of ABC, with biometric data, like fingerprints or iris recognition. The algorithms that govern ABC are running rampant, not only in the US, but in Europe as well. However, the EU is taking concrete steps to mitigate the risk involved in incorporating algorithms into



virtually every domain, from border control to financial regulation. As of April 14, 2016, the EU adopted a holistic set of regulations for the “collection, storage, and use of personal information, [known as the] General Data Protection Regulation (GDPR). These laws are intended to allow users more control over the harvesting of their personal information. However, the US does not have such stringent legal protections. What implications does algorithmic decision-making have on the inclusion of immigrants into the social fabric? Thus far, these instances represent how border-crossing algorithms can perpetuate inequalities and execute discrimination, whether intentional or not.

While the effects of the kiosks might be interpreted as largely symbolic, this modern method for categorizing people can have long-lasting impacts on the sense of belonging in the American political project for those deemed suspicious. By subjecting certain groups to more scrutiny, such as going through extra security measures, the state continues a broader pattern of surveilling people of color and immigrant communities in the US. Well before the use of APC kiosks, David Lyon, Director of Surveillance Studies Center and Professor of Sociology at Queen’s University in Ontario, writes:

“The surveillance dimensions of security arrangements have everything to do with ‘social sorting.’ That is, they are coded to categorize personal data such that people thus classified may be treated differently. People from suspect countries of origin or with suspect ethnicities can expect different treatment from others. Although the category citizen is still used, for example in passport and IDs, this term is both broader and narrower than it at first appears. Even citizens with those ‘awkward’ aspects of identity may find themselves in a separate group from majority citizens.”

In other words, this technological artifact quickly, but perhaps erroneously, sifted human beings into discrete categories, with very different consequences. I certainly felt singled out and treated differently for having a hyphenated surname that the algorithm did not recognize as normal. Moreover, given the opaque nature of this process, we are unable to exactly identify what other personal factors could result in an extra encounter with a customs inspector.

THE DANGER OF TECHNOLOGY: INFRINGING ON RIGHTS BASED ON PERSONAL DATA

After Edward Snowden revealed the vast powers of the American spy apparatus in 2013, the public discourse has focused heavily on the right to privacy. Policymakers called for more oversight of intelligence agencies and the way they deployed their



resources both at home and overseas. However, one question that's often sidestepped is whose right to privacy is actually being protected. If the allegations that German Chancellor Angela Merkel's personal phone communications were tapped by the National Security Agency (NSA) are true, what does that say about these agencies' willingness to intercept private conversations among immigrant communities? In particular, Muslim communities in the US have been among one of the most heavily targeted in these efforts. Although the 2014 Supreme Court case *Riley v. California* specifies that a mobile phone is protected from being searched under the Fourth Amendment, which prohibits unlawful search and seizure, the border presents a unique case where these laws are relaxed. According to the Electronic Frontier Foundation, between 2015 to 2016, "the US government reported a five-fold increase in the number of electronic media searches at the border in a single year, from 4,764 to 23,877" respectively. Customs officers are reportedly asking to browse through the mobile phones and social media accounts of individuals crossing the border into the US.

However, not all people are treated equally at this moment of inspection. Refusing to cooperate with officials in this scenario can result in being in a range of repercussions, from foreign visitors being denied entrance into the country to immigrant resident facing increased legal complications. US citizens cannot be barred entrance, but this has not stopped border agents from exercising their power unduly. Firsthand accounts describe the direct monitoring of people of color, regardless of their citizenship status. US-born NASA engineer Sidd Bikkanavar had his phone confiscated as he returned from a brief trip to his hometown of Pasadena, California from Santiago, Chile. "Everything started to go wrong just after 5 a.m., when Sidd Bikkannavar scanned his passport, placed his hand on a fingerprint reader, and watched as the automated customs kiosk spat out a receipt with a black X drawn across it." Despite being a US citizen, a member of Global Entry, and a NASA employee, thus requiring frequent background checks, he was still required to hand over his phone and his passcode, endangering his privacy and the secrecy of NASA documentation in the process. If the privacy rights for someone with this level of privilege and status are blatantly disregarded, what types of implications does this have for those going through customs who cannot speak English or do not know their rights? The US border is a litmus test for the values of freedom and fairness being applied to all people. So far, it seems to be at risk of failing. Alyssa Vance, a machine-learning programmer who resides in San Francisco, describes these algorithmic governance tools as "no different than the tracking and blacklisting of people from Middle Eastern descent at airports since the attacks on the World Trade Center buildings."

On January 25, 2017, President Donald J. Trump signed Executive Order 13768,



which prevented entry into the US by people from seven majority-Muslim countries: Iraq, Iran, Syria, Yemen, Somalia, Libya, Sudan. The Muslim Ban, as it has come to be known, was so far-reaching that even green-card holders who had been living in country for several years were turned away at customs. While the discriminatory ban has received righteous outrage and extensive media coverage, less has been said about another statute embedded in the executive order. Section 14 of the executive order “Enhancing Public Safety in the Interior of the United States” specifies that “agencies shall, to the extent consistent with applicable law, ensure that their privacy policies exclude persons who are not US citizens or lawful permanent residents from the protections of the Privacy Act regarding personally identifiable information.” At first blush, this policy could threaten the Privacy Shield, a data-transfer initiative between the US and the EU to ensure that data protection requirements are compliant and consistent with the laws of each region. Some political commentators speculate that the order cannot supersede the power of the Privacy Act of 1974, but that remains to be seen. Either way, it signals a preoccupation with treating immigrants under a separate set of laws.

The Privacy Act of 1974 extends protections to personally identifiable information about individuals that is collected and maintained by federal agencies; specifically, it establishes a standard set of practices for dealing with sensitive information and explicitly prohibits sharing of data across agencies without the written permission of the individual whom it concerns. By explicitly limiting the protections of the Privacy Act to American citizens and green card holders, Executive Order 13768 threatens the digital privacy rights of a number of undocumented immigrants in the US as well as legal immigrants who do not fit into the legal permanent resident category. Along with the rapid mobilization of Immigration and Customs Enforcement (ICE) to conduct raids of immigrant communities and the heavy campaign rhetoric that vilified people of color, the Trump administration has a long record, both in word and in deed, of targeting this community; the scaling back of privacy rights for non-American citizens represents one instance in this broader trend.

After the results of the 2016 election became apparent, cities across the US jump-started efforts to protect the data collected on its undocumented population. In New York, for example, the De Blasio administration promised to delete the records on IDNYC, a program that provided municipally accredited identification to more than 900,000 New Yorkers since it began in 2014. This program especially served the undocumented community, allowing them to report domestic abuse, for example. According to the local law LL35, which created IDNYC, the city would destroy records collected as a byproduct of the application process every two years. These provisions, which were reinforced by a number of executive orders, helped ease privacy concerns



for undocumented immigrants who feared retribution if the data fell into the wrong hands. But these provisions were recently overturned in a local court case, leaving room for this data to be used against immigrants.

DATA IN THE HANDS OF GOVERNMENTS: PROTECTING OR FACILITATING XENOPHOBIC IMMIGRATION POLICIES?

Given the vast increase in computing power and memory, collecting and storing data has become easier and more precise. However, privacy rights advocates agree that data collection should be at a minimum. Excess information, even if initially well-intended, can be used for nefarious purposes depending on the motives of the institution or government in place. But, some might push further, asking why privacy is so important in this context.

The history of data collection in aiding the state-sponsored genocide of different ethnic groups is sufficient cause for concern. Two examples in particular highlight the dangerous use of data as a technological infrastructure for mass atrocities. First, the International Business Machines Corporation (IBM) played a significant role in collecting, organizing, and interpreting personal data of the Jewish population in Germany. Although computers had not been invented in 1933, the punch card system, a precursor to the Personal Computer (PC), served as a way of making the Nazi apparatus run with unprecedented precision and efficiency. According to historian Edwin Black, whose work explores the tight-knit relationship between IBM and the Third Reich, “people and asset registration was only one of the many uses Nazi Germany found for high-speed data sorters. Food allocation was organized around databases, allowing the Nazi government in Germany to starve the Jews. Slave labor was identified, tracked, and managed largely through punch cards. Punch cards even made the trains run on time and cataloged their human cargo.”

Yet, the Holocaust has not been the only time in history when data has been employed to identify and target marginalized populations for the purposes of annihilation. During the Rwandan genocide in 1994, the use of identity cards with clearly demarcated ethnic categories allowed for the Hutu government to turn that data against the Tutsis. The practice of including these socially-constructed racial categories started in 1933, when the Belgian colonial government superimposed its racial paradigm on Rwandan social structures. Indeed, “the prior existence of ethnic ID cards was one of the most important factors facilitating the speed and magnitude of the 100 days of mass killing in Rwanda.”

Data is not a neutral collection of information, but instead, often politically motivated and if left unchecked can wreak havoc on the people it monitors and



surveys. Today that threat continues, especially in light of President Trump’s promise to create a Muslim registry. This type of behavior is nothing new—it falls in line with the practice of using US Census data to round up Japanese-Americans during World War II to take them to internment camps.

In the Middle Eastern community within the US, there is a very real concern about personal data being used against them as well. The census does not have an ethnic group consisting of Middle Eastern; on the one hand, this means that people of Middle Eastern descent are not being counted and its harder to provide an argument for representation of this community’s needs; on the other hand, it gives some cover from the government surveillance apparatus. A Muslim registry would recreate the architecture that facilitates the identification of minorities for nefarious purposes. Moreover, it would build on the work of a deactivated but robust database that keeps the records of “non-citizen, non-resident visitors from over 25 countries—all of them Muslim-majority countries, except for North Korea.” In the aftermath of the September 11 attacks, the US Department of Homeland security implemented the National Security Entry-Exit Registration System (NSEERS), a program that collected a slew of information, from photographs, biometrics, and interviews, of people who fit the profile, namely an immigrant from one of the blacklisted countries. Although suspended in 2011, NSEERS’s regulatory framework remains, buried behind bureaucratic oversight and ready to resurge at a moment’s notice.

Recognizing these potential problems with data retention, California legislatures have stepped up to enact legal protections on this type of data about undocumented immigrants especially from being accessed by federal authorities. Introduced by Senator De Leon, who is one of the leaders in California promoting immigrants’ rights, Senate Bill No. 54 prevents oversharing of data among agencies, therefore limiting the danger posed to vulnerable populations. California lawmakers have also proposed a bill to limit the collection of data that would allow federal agencies to build a registry based on religion. As Edward Black warns, “many of us have become enraptured by the Age of Computerization and the Age of Information...but now...as we look back and examine technology’s wake...unless we understand how the Nazis acquired the names, more lists will be compiled against more people.” Only through active resistance at the political and social level can we work against the crimes of the past from being reconstructed.

CONCLUSION

Technology can take many different forms, from the data structures that collect information on whole populations to the autonomous drones that roam the sky. The



synthesis of technology and surveillance is not new, but we are reaching unprecedented levels of power discrepancy between individuals and the government. In light of this, how do we recapture the spirit of fairness and inclusion in our digital age?

First, we have to be clear about the values that are embedded in these technological systems; never will we find tech that is value-free. If a value is not at the surface, then it's cached at a deeper layer. According to Kranzberg's first law, "technology is neither good nor bad; nor is it neutral." The algorithms, for example, that govern entry at US customs are trained on a standard of who is considered "normal" and who is considered a deviation from that mean. Even the well-intentioned apps developed for refugees and immigrants come pre-packaged with a set of values and assumptions of the needs of this particular population.

Second, the long history of these strategies in the US and abroad forces us to grapple with the way that technology can be complicit with the oppression of marginalized people. Despite this gloomy tone, there is some cause for celebration on two levels. As of last year, the major companies in Silicon Valley and their engineers signed a pledge, "refus[ing] to participate in the creation of databases of identifying information for the US government to target individuals based on race, religion, or national origin." Additionally, the legal system is taking account of the impact of technology across different social groups. Congress recently introduced a bill that "would require US [CBP]...to obtain a [probable] cause warrant before searching the digital devices of US citizens and legal residents at the border." Although this is a step forward, it also does not go far enough to protect the most at risk immigrant population. Only through concerted effort can we begin to see real change at the border, a space that occupies that public imagination and the lived experience of many people. Technology, as a tool for liberation or for surveillance, remains an important factor in this movement for a more just world.

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OUT-DATA-ED:

Untracked Testimony of Sexual and Gender Diversity Discrimination in the European Union

Andreas Holzinger

The European Union (EU)—member states and European institutions alike—is effortlessly data-less: slow and unambitious internal policy actions merely promote micro steps towards increased protection of lesbian, gay, bisexual, transgender, and intersex (LGBTI) populations. More disaggregated data collection and dissemination can be understood as one of the quantifiers of commitment and effective action. In this article, I argue for the necessity of focusing on data for minority rights protection. In addition to the benefit of legal advancement, disaggregated data is paramount in understanding the lived experiences of minorities and their needs.

At the United Nations (UN) General Assembly in New York City in November 2016, European countries pushed for a mandate to globally monitor violence and discrimination based on sexual orientation and gender identity (SOGI). The main goal was to obtain more recognition of human rights around sexual and gender diversity, while simultaneously pledging for a UN-LGBTI Inclusion Index. While the EU defines the recognition of the rights of LGBTI people as a criterion for EU adhesion and has agreed upon comprehensive foreign policy LGBTI guidelines, when looking at how the EU treats protection domestically, a different picture unfolds: limited data is available on how the lives of LGBTI people are affected by discrimination and hate crimes. Except for the realm of public health, and especially within research on HIV, little data has been collected and disaggregated. In fact, the only EU-wide, albeit non-representative, survey that exists dates to 2012 and shows staggering rates of up to 50 percent of LGBT people having recently faced discrimination.

Why is there this gap in internal and external policy coherence when it comes to preventing the discrimination of LGBTI people? Increasing disaggregated data-collection efforts might serve as an indicator for just that: the effort and will to identify problems and shortcomings. Data collection is key for policy implementation and illustrates the urgency to act. As a corollary of identifying



clear challenges, funding would flow more efficiently to tackle the specifics of the field. Why not, then, start pushing for EU-wide data collection to more effectively confront the faced challenges?

Recognizing that sexual, gender, and body diversity motivates discrimination is the first step to allowing for data collection and, as a corollary, for targeted anti-discrimination action. Yet, EU-level protection against hate crimes based on sexual orientation are limited to certain sectors, such as employment, while gender identity is not even recognized as a ground for discrimination.

STRUCTURAL DISCRIMINATION IN RIGHTS-PROMOTING, DATA-SCARCE EUROPE

Though EU countries show large discrepancies regarding policies and practices, common legal standards are vital. In fact, societal change is shaped by legislative action. If the gap between societal and political standards is not too wide, standard setting through policy is effective. Legal recognition and protection frameworks still vary considerably among EU member states. Even under legal protection, LGBTI populations might experience a different reality in their daily lives. ‘Might,’ because the EU-wide evidence base is not sufficiently strong.

Data can be useful in highlighting some invisible forms of institutionalized discrimination. As such, the concept of homonegativity (and trans- or intersex-negativity alike) alludes to societies that have negative attitudes towards homosexuals and have already accepted or ingrained some of these attitudes up to the point where the discrimination is not visible. Some LGBTI people have internalized such negativities instilled through heteronormative discourses and images within society, for example in school and while growing up, that only certain ideas of couples and gender expressions are acceptable.

Therefore, the EU should consider improving its efforts to comprehend where discrimination takes place structurally; not only in countries where homophobia is traditionally higher, such as Poland or Hungary, but also in countries like France and Germany who are falling behind in ensuring that LGBTI populations are sufficiently protected.

In the United States, The Williams Institute UCLA School of Law specializes in LGBT people and collects data on them—highlighting crucial studies on homonegative societies and data sets with alarming numbers on homelessness and suicidal thoughts and attempts related to LGBT discrimination. Such efforts are unparalleled in the EU. Most demands by civil society for data or funding in the EU are directed elsewhere by governments, such as high-profile advocacy



work abroad. Yet, it is any government's responsibility to release transparent and accessible data volumes that allow for advocacy and policy action. According to the United Nations Children Fund (UNICEF) Director of Data Research and Policy, Jeffrey O'Malley, the private sector can be a useful addition in improving business anti-discrimination standards, especially given that a fifth of all German and French LGB people report having experienced discrimination on the job or while job hunting.

DATA IS POWER: LEGITIMATE CRITICISMS NEED TO BE BACKED UP BY INTERNAL CONSISTENCY

Although data-driven decisions are highly desirable, O'Malley states that, at best, data-informed decision-making can be continuously expected on policy-making fronts. Data disaggregation globally has received a push through the Millennium Development Goals, and now much more is expected from the global development Agenda 2030 and its narrative of "leaving no one behind." Within the UN context, a call for a global research approach is expected to be launched to feed the LGBTI Inclusion Index. The index is geared mainly towards improving protection in the Global South. Yet the EU falls behind its own goals by not being able to achieve the required LGBTI research infrastructure. If an improvement of LGBTI protection and inclusion is desired on a global scale, it is paramount that the EU steps up fast and effectively to its own exigencies. In failing to do so, criticism should be expected over the gap between foreign policy requirements and the shortcomings of a domestic agenda on LGBTI protection policy.

“If an improvement of LGBTI protection and inclusion is aimed at on a global scale, it is paramount that the EU steps up fast and effectively to its own exigencies.”

The measurements of the Inclusion Index focus on political and civic participation, economic well-being, education, and health, as well as personal security and violence. Despite pilot projects in the last two years, like in health (HEALTH4LGBTI), some EU member states still perpetuate institutionalized discrimination, such as unaddressed, increased challenges and barriers in the realms of education and health, as exemplified by a systemic lack of data. It is important to note here that LGBTI is not an exceptional minority group. The fact of a society neglecting or denying protection to a certain minority group reflects its overall flaws in providing adequate protection to citizens and other minorities.



The collection and dissemination of scientific data is needed to outline actual inclusion efforts and direct policies, since many indirect and invisible forms of discrimination are not registered.

DATA INFORMS: COLLECT, IDENTIFY, DISSEMINATE, AND COLLABORATE!

Existing data is insufficiently used and hardly disseminated, per several LGBTI experts in the EU. Once properly disseminated, data can be helpful in effectively monitoring further anti-discrimination efforts. Even though qualitative and quantitative data combined is not apolitical, objective, or perfect, it can identify issue

“Even though qualitative and quantitative data combined is not apolitical, objective, or perfect, it can identify issue areas, state importance, and effectively prove the existence of sexual orientation and gender identity-based discrimination.”

areas, state importance, and effectively prove the existence of SOGI-based discrimination. As Human Rights Officer at the UN Office of the High Commissioner for Human Rights Fabrice Houdart explains: “Once quantified data is available [and disseminated], there is no denying existing homophobia and transphobia in the EU anymore.”

The European Region of the International LGBTI Association (ILGA-Europe) legitimately pointed to the lack of clear strategies and targeted efforts, despite a “List of Actions” put forth by the European Commission (EC). The list aims at actions to fully comply with Article 21 of the European Charter of Fundamental Rights, prohibiting any form of discrimination inter alia on the

basis of SOGI. This list is, however, lacking new actions and any ambition. Certain efforts by the EU Agency for Fundamental Rights (FRA) can be seen, for instance, on the rights of intersex people, which are still highly under-researched with little policy enacted so far. Including some LGBT questions in the Eurobarometer survey is a first step, especially since the results showed alarming figures around violence and discrimination in several EU states. Thus, data is needed to identify more clearly where and how discrimination occurs.

At the Non-Governmental Organization (NGO) level, the available data points to disquieting facts. Transgender Europe is one NGO that collects data on different institutions in place where pathologization, sterilization, or



gender-reassignment therapy are requirements for trans-populations. The same organization reports on violent crimes against trans-diverse people through the Trans Murder Map, where Italy, for instance, has registered 34 murders of trans people in the last eight years alone.

Nonetheless, NGO datasets and testimonies need to be complemented by EU-wide data to unveil the necessity to protect vulnerable populations. The German Federal Criminal Police Office stated in an email on November 8, 2016 that they do not have specific data on cases regarding discrimination or violence in the realm of homo- or transphobia. The EU also does not oblige countries to recognize SOGI as a motive in criminal law, therefore hate crimes oftentimes go unnoticed and are not accurately identified as a category on its own. Certain countries even have legal provisions in place that limit data collection in many forms, e.g. in France due to a fear of communitarianism.

There is a gap in substantial data proving that discrimination is institutionalized. Yet, reports state that certain minority groups face higher challenges when accessing institutions, such as the judiciary, or while operating within them. The limited data that exists, including European public opinion surveys, showcases higher vulnerability: 88 percent of Poles want homosexual people to have some of their rights denied. Luckily, within the public administration some decide to move ahead, according to an interview with a state-level police official in Germany: “Statistics are needed in order to be able to render the phenomenon visible.” Furthermore, the official acknowledges that the internal requirement for state police departments to register such data is probably not applied. Even Berlin, commonly known as one of the most LGBTI-friendly cities in the EU, registers between 80 and 132 homophobic and transphobic assaults yearly as hate crimes, while the actual figure is estimated to be much higher still. Such insufficient data on crimes against LGBTI people limits funding that is earmarked for specific protective actions by states.

“Such insufficient data on crimes against LGBTI people limits funding that is earmarked for specific protective actions by states.”

DATA IS MONEY: CAN DATA GUIDE FUNDING?

A link between the increase of disaggregated data and funding seems logical, yet an underlying causality is hard to establish. An intuitive connection suggests



that not only does the overall level of resources increase due to the identification of specific challenges in the lived experiences of LGBTI populations, but prioritizing and targeting specific causes are capable through more disaggregated data as well.

More alarming data on struggles for civil rights in countries that praise their international human rights and dignity policies are being uncovered, as implied by the EU-LGBTI survey by the FRA from 2012, which reported a high prevalence of discrimination and hate crimes with 35 percent of individuals reporting being attacked or threatened with violence from 2007 through 2012 despite national protective legislation. According to the Eurobarometer 2015, discrimination on grounds of sexual orientation and/or gender identity has risen by over 10 percent to now 58 percent and 56 percent, respectively, and is thus much more widespread than in 2012.

Establishing a mechanical link between increased data within the EU and augmented funding proves difficult, because of the fragmentation of European institutions and the lack of consistency and coordination between different policies and organizations. Cross-sectoral challenges such as bullying are not addressed collaboratively, and hence funding streams are not easily linked to sub-groups of minorities. Additionally, the regulative budget framework is decided for seven-year periods. After the FRA survey, an explicit inclusion of equality mainstreaming in the budgetary frame for 2014-2020 suggests a brighter outlook. The European Social Fund has allocated roughly a fifth of their budget generically to social inclusion for this period. The link between new data and an inclusion of the issue in the budget framework can be made, yet remains tacit. Nonetheless, LGBTI activist Joël Le Deroff states that calls for projects have been showcasing certain new “inclusion-phrasings” after the FRA data appeared, which makes this intuitive link more viable. What is more, he states that among civil servants in the European Commission (EC), LGBTI is becoming increasingly more mainstreamed than prior to the FRA survey.

Little to no research on LGBTI populations has essentially institutionalized heterosexism in policy, as a lack of research and data also has some implications for the lack of funding, for example, when it comes to health policies. Without an awareness of the specific challenges faced by transdiverse, gender non-conforming, or intersex people for instance, health policy makers cannot administer, fund, or provide resources for health professionals or projects to be informed about treating SOGI minorities without perpetuating stereotypes.

The FRA took a first step with their report on public authorities in the EU and its handling of LGBT issues. The report suggests that prejudice and negative social attitudes constitute a primary challenge to effective policy action. It is essential



that objective information on SOGI issues is included not only in school curricula, but also in trainings for professionals in law enforcement, healthcare or public service more broadly. Obviously, more specific data is needed to comprehend exactly where and to what extent discrimination occurs. Extrapolating from a demographic study in France in 2011, we see that half of vulnerable populations live in less urbanized areas, where discrimination and forms of homonegativity (or more inclusively, SOGI-negativity) is expected to be much higher than in the urban areas. If no data is disaggregated for LGBTI and other minority groups on the rural-urban spectrum, funding cannot be strategically allocated and anti-discrimination projects will lack effectiveness.

DATA HAS LIMITS: AWARENESS OF ITS PERILS AND SHORTCOMINGS

When collecting data, minority populations such as LGBTI communities face certain dangers regarding data literacy or anonymity. Data needs to be authentic and thus must come from LGBTI populations to reflect their lived experiences. Local actors and politicians, therefore, need to show leadership in inclusive data collection. There is a need for culturally sensitive and trustworthy relations with survey-takers. What is more—discrimination is not always consciously visible; oftentimes, minority populations are not aware of what forms of discrimination might have already been internalized. Hence, big data or experimental approaches to data collection could be a new option for gaining insight into lived experiences of LGBTI populations.

When also working especially with the private sector to increase data, it is crucial to respect the concern for privacy of LGBTI people since they are at-risk populations. Otherwise, violence and discrimination can be personalized and targeted, as has occurred due to WikiLeaks information and the scandal caused by a journalist during Rio's Olympic Games this summer. In both cases, names of individuals were made public with unforeseeable consequences for them, as being LGBTI or perceived as such is a criminal offence in numerous countries or constitutes a ground for extortion and harassment. Data shall thus enhance awareness and understanding while ensuring the safety and protection of those providing information without putting anyone at increased risk.

There are two problems associated with the collection of data around hate crimes by the police: first, many people do not dare to report crimes—with transdiverse populations especially showing low levels of trust when dealing with law enforcement—while reports point at several cases of discrimination by



police officers when trying to report crimes through secondary victimization. Second, the recognition of the case under “hate crimes” or its proper, bureaucratic registration—which regards the listed motive of the perpetrator—is often lacking both in law enforcement and in the court system.

MOVING FORWARD: MORE DATA EQUALS MORE INCLUSION

Despite the new list of actions by the European Commission (EC) to advance LGBTI equality, a data-less Europe has culminated in a “systemic failure to deliver on human rights.” Despite needing to unite different politics and stances on LGBTI rights recognition, the EC and EU need to step up their efforts to be seen as an internally coherent actor of forward-thinking policies in a context of rising populism in the West and beyond. It is not only the EU that should be under scrutiny for being ‘out-data-ed’, but also to a similar extent its member states. It is also countries like Germany that do not push hard enough to ensure EU directives see the light. The EU will also have a difficult time trying to incorporate countries that do not want to have more transnational anti-discrimination directives.

Needless to say, data is not the only necessary factor to successful protective measures and resource allocation for preventing discrimination. Bringing local expertise to the EU and inviting LGBTI activists from different member states is convincing when it comes to increasing funding, as a storytelling narrative makes data visible and urgently actionable. Yet, the first step to proving increased efforts is to be willing and ready to comprehend where we stand on levels of violence and discrimination in the EU—and data does just that.

The EU should take internal minority groups’ struggles more into account. A rights-promoting EU foreign policy is worthwhile despite domestic shortcomings. However, it demands more political will and resources to match foreign policy considerations with internal compliance. This is not a call solely for the EC, but for all member states and other actors including civil society, cities and the private sector. States can push for further efforts of integrating LGBTI in the national census more directly, like Nepal did with by including a third gender category in official registration.

Integrating multi-stakeholder, inclusive collaboration and effective coordination can thus turn disaggregated data and dissemination into actionable projects advancing the protection of minority groups within the EU. All actors have a specific role to play in reducing violence and discrimination especially as new discourses arise throughout Europe and beyond: Europe needs to do



its homework. Populist narratives should not infringe upon fundamental rights and violence-free societal coexistence. To address growing populism, data collection and analysis of minority groups is essential for informed policy making at the EU and national levels. Funding should be directed accordingly, also to further prevent a loss in credibility and legitimacy for the EU. Increasing efforts, starting with a willingness to quantify and qualify lived realities of people from various minority groups, is paramount for a track record that creates less fear and hatred in the societies we live in.

“All actors have a specific role to play in reducing violence and discrimination especially as new discourses arise throughout Europe and beyond: Europe needs to do its homework.”

Andreas Holzinger wrote this piece as part of the 2016 Humanity in Action Diplomacy and Diversity Fellowship. The research behind this article was conducted in summer 2016. Some of the norms and laws this article addresses may have changed in the meantime.

ANDREAS HOLZINGER works on poverty reduction for minority groups through the Mercator Fellowship on International Affairs. He is advancing social inclusion for the World Bank Group and the Bill & Melinda Gates Foundation. He received graduate degrees from Sciences Po Paris and the Free University of Berlin, exploring the intersection of human rights and international development economics. Holzinger previously worked in public and third sector organizations in Europe, the US, and West Africa, as well as in a public-sector strategy consulting company in Berlin.



UPCOMING CONFERENCE DATES

2018 Humanity in Action International Conference,

July 5 - 8, 2018 in Strasbourg, France

The 9th Annual Humanity in Action International Conference will take place this summer from July 5 to 8, 2018 in Strasbourg, France. Hosted by the European Parliament, the conference will focus on the European Union as the largest global peace project and one of the primary mechanisms for economic, political, and cultural cooperation and the advancement of fundamental rights in Europe. Join us in exploring the complex dynamics of European identity, collective memory, and remembrance, as well as European political, economic, and cultural collaborations and divisions.

Humanity in Action Denmark's 2018 Pre-Genocide Conference,

September 26 - 29, 2018 in Copenhagen, Denmark

In commemoration of civil resistance against Nazi persecution of Danish Jews in October 1943, Humanity in Action Denmark will host a major conference on various pre-genocide histories in September 2018. Bringing together international scholars, educators, and human rights activists, the conference will examine historical examples of the years leading up to genocides, including lessons and preventive action the world can glean from studying contexts such as those in Armenia, Cambodia, Iraq, Rwanda and Bosnia. The conference seeks to instill a foundation of vital knowledge concerning genocide, and will result in the publication of an anthology and contribute to the development of a teachers' seminar.

2018 Humanity in Action New York Conference,

October 19 - 20, 2018 at The New School in Manhattan

Our annual New York Conference will take place from October 19 to 20, 2018 at The New School in Manhattan. With inspiration from our Senior Fellows, this year's conference will focus on health and social justice. The conference will explore related matters from a lack of affordable healthcare to the politicization of healthcare policy as well as the deep disparities in health outcomes among various social and racial groups.



FROM #METOO TO #WITHOUTME:

How French Elites Led the Country to Turn Its Back on Women

Ndeye Diobaye on #MeToo in France

As a few French actresses came out as victims of Weinstein's sexual misconduct, the story was quickly picked up in the French media. The father of one of the actresses, former TV anchor Antoine de Caunes, declared in a radio show that he hoped that the movement of women denouncing Weinstein would encourage more anonymous victims to speak out.

As De Caunes hoped, it took a few days for social media to take control of the narrative and present itself as a platform for women, across the world, to share their experiences with sexual assault and harassment. In France, two hashtags, which need to be critically compared, became the two banners of this whistleblowing movement on sexual violence on women.

French internet users resorted to the use of #MeToo (in French #MoiAussi), a phrase used to empower and incite women to share their stories so as to help amplify the magnitude of the issue of sexual violence. In addition, a provocative hashtag, coined by French journalist based in New York, also added its own flair to the movement.

Mueller, a journalist based in New York, was inspired by the actresses who came out to report Harvey Weinstein and her own experience of sexual harassment with an influential head of a French news organization. She went on to create #BalanceTonPorc (translated into « Out your pig »), a hashtag intended to help women share the details of their experience of sexual harassment and violence, along with the name of their abuser.

There are two elements of discourse that should be noted to draw the comparison between both hashtags. Firstly, Mueller's campaign intentionally uses a provocative semantic to appeal to the audience, in a way—one could argue—actually reduces the impact of the story itself. Secondly, her campaign also actively incites the victims to publicly denounce their abusers. Many argued that by the difference in tone, #BalanceTonPorc was not created with the same intent as #MeToo.



When asked about the latter, Mueller denied all allegations that her intent was to launch a name and shame campaign. Rather, she turned the focus to the judicial system in France and how difficult it was for women to come out as victims of sexual violence to the law enforcement.

This debate had already been addressed in France in 2016 when the French National Assembly's Vice-President was accused by several women of sexual harassment and misconduct. The case was eventually dismissed as the facts were no longer admissible due to the date at which they had occurred. The same year as the case erupted, a study by France's National Institute of Demographic Studies reported that 600,000 women and 200,000 men were victims of forms of sexual violence each year. The Minister of Justice records show, however, that only 5,000-7,000 convictions for sexual violence are issued every year. The gap between these two set of figures is explained mainly by the lack of victims who dare to speak out and the lack of cases that have the potential to lead to convictions.

In light of these sets of figures, #Balancetonporc presented itself as an alternative enabling victims to have a voice without fearing either the burden of their confession or the consequences of it. The hashtag became viral with over 150,000 mentions on Twitter in three days and the speed at which it spread became alarming to many who failed to dissociate it with the original #MeToo.

To some, the hashtag was similar to a man-hunt designed to denounce and expose people whose guilt had yet to be proven. Several media personalities compared the so-called manhunt to the way Jews were hunted by the Nazi Regime with the help of French informants. Others feared that the man-hunt would threaten the libertinism of the French way of life.

The most compelling example of this opinion is the tribune signed by a hundred women in the French newspaper *Le Monde*, who are notoriously rich, white, and part of the Baby Boomer generation. In their letter, these women, including Catherine Deneuve, took a stand to come to the defense of men and their « freedom to annoy women» in the name of sexual freedom.

In their arguments, the signatories of the letter present the #MeToo movement as a 'puritanist' campaign, inspired by the American way of life, that did not befit French tradition and the French approach to sexual relations. While this could have been a discussion, they attempted to strengthen their position by using provocation. One of them, Catherine Millet, a renowned art critic, went as far as claiming on public radio that she "wished she had been raped just to confirm that one can pull through from the experience." In doing so, she dismissed the realities of women who have been exposed and consider themselves victims of sexual violence.



Whereas some attempted to respond to Le Monde's publication, their counter-arguments did not resonate enough to stir away from the "puritanism vs. libertinism" debate it created. By using provocation and benefiting from their notoriety and privilege, Deneuve, Millet and others condemned the #MeToo movement to lose some of its credibility in France. Their publication was intendedly divisive and aimed at putting an end to platform that they thought, misunderstood the French way of life.

One can note that the French appraisal of the movement took the opposite turn of the one in the United States where Hollywood actresses, predominantly white and successful, used their privilege to create an inclusive platform to speak up against sexual violence. In France, a platform which was meant to allow for more anonymous victims to come out, was poorly marketed and thus, became the target of strong criticism by some of the most influential and privileged women of the country. As notoriety trumps legitimacy, the #MeToo movement in France failed to benefit from the right spokespersons and met the wrong detractors. The turn of events makes it unlikely that the movement will have any success in helping remove sexual predators from positions of power or ensuring any impactful and positive shift for victims of sexual violence.

NDEYE DIARRA DIOBAYE is an African citizen of the world. A media enthusiast, she started her career in journalism before turning to marketing communications and events planning. In 2017, she started her own consultancy, *Bleurette*, with which she spearheaded the content and communications of two international forums in Marrakech and Senegal. A « For Us by Us » champion, Ndeye Diarra is committed to contributing to the righteous representation of Africa and its diaspora. She is a Sciences Po Paris and London School of Economics graduate. She is also currently working on her first collection of poems.



NOT MY CUP OF TEA

Anne van den Bergh on #MeToo in the Netherlands

In an October 2017 opinion piece published by Dutch newspaper *De Volkskrant*, historian Daniela Hooghiemstra spills her tea on #MeToo and its manifestations in our national context, and, really, it is anything but sweet. From its title—calling the movement “humorless and one-dimensionally puritanical”—to its conclusions—‘women who take issue with men’s aggressive advances should instead be celebrating the fact that they have led our lives to be so much more exciting than those of our elders’—Hooghiemstra’s editorial exhibits the unsubtle art of not knowing what on earth you’re talking about. Take her comments on the by now notorious ‘grey zone’ of sexual harassment (courtesy of Aziz Ansari). Hooghiemstra, like a number of French divas, seems to believe that the ‘desert of the unknown’ spanning “demonstrable violence and innocent flirting”—rather than inciting men, above all, to radically rethink what are often toxic approaches to sex and sexuality—calls on women and women alone to practice “vigilance, wisdom, and robustness” in the face of so much clumsiness! Silly, I sometimes seem to forget that it’s women’s duty not to spoil the fun.

The Dutch have never been known for their finesse or flexibility, and it is typically in the face of looming changes to the status quo that our lion rears its ugly head in a scramble to ‘preserve our most cherished traditions.’ The shameful display of blackface during the annual holiday of Sinterklaas is but one infamous example, and those who keep up with Dutch news will know the extent to which even the slightest modification of Zwarte Piet’s appearance has been the cause of nationwide outcry. The #MeToo movement has, in a similar fashion, opened a crack in a door many would rather see closed, and while reports of sexual assault have surged drastically since the hashtag reached our nation, actions to counter this ‘lawless witch-hunt’ are mushrooming at an equally steady pace. At the core of these urges to seal and contain, I think, is an ill-conceived but no less deep-seated notion that The Netherlands is doing enough already for the battered and the beaten, enough for those who elsewhere have it worse. Weren’t we the first to legalize same-sex marriage? To decriminalize marijuana? To institutionalize universal health care? To regulate prostitution? Shut up and dance.

Cognitive dissonance is a powerful psychological weapon against the sea change that is on the horizon. And while the Dutch have fought many a war on water, some battles cannot be waged with physical force alone. So beckons the



wavy current of introspection, blurring the contours of our reflection while we keep dark thoughts at bay. Hooghiemstra et alia can keep pouring her bland brand of tea, but this ocean travels long and far. A sea change is on the horizon.

ANNE VAN DEN BERGH is a first-year law and Hebrew student at the University of Amsterdam, where she began her studies after receiving an MA in anthropology from Columbia University. Here, she developed a strong interest in legal and political approaches to childhood, leading her to complete thesis work on the politicization of contemporary American children's literature. Previously, Van den Bergh worked as a paralegal at a refugee center assisting African refugees in Tel Aviv. She continues to be committed to refugee and asylum seeker causes in her hometown of Amsterdam.



UPCOMING FELLOWSHIP DATES

European Fellowship Programs, June 8, 2018 – July 8, 2018

Our European Fellowships will be held in June and July in Amsterdam, Berlin, Copenhagen, Sarajevo, and Warsaw. The Fellowships will explore the histories of discrimination of the national contexts these programs take place in and engage with their current realities of pluralism through an exciting array of renowned academics, journalists, and activists paired with site visits and tours.

US Fellowship Programs, July 10, 2018 – August 5th, 2018

Our US-based Fellowships will take place in July and August in Detroit and Atlanta, shifting focus to the particular histories and legacies of discrimination in two crucial US-American cities. In Atlanta, our program places a special emphasis on restorative justice in Georgia. In Detroit, our program explores the social justice biography of a city deeply emblematic of the tensions of massive urban, economic, and cultural change in the 20th and 21st century United States.



PUSHING PAST THE TRENDING HASHTAG

Roberto Flores on #MeToo in the United States

The recent conversations around the #MeToo movement have proved to be empowering, necessary, and long overdue. While the realities of sexual assault and harassment were not news to many of us, the visibility created by publicly sharing our stories has forced everyone to confront our present conditions.

The #MeToo movement has both raised our social consciousness and brought some amount of justice as men like Harvey Weinstein and Kevin Spacey finally face consequences for their actions. It offers the possibility of a different culture, one that is safer and free of sexual violence.

Yet, the movement is not perfect. It has followed the legacy of other gender-based social movements, focusing on a privileged subset of individuals while ignoring the stories of others. The abuse of men and women in the entertainment industry is completely unacceptable but so is the sexual trauma experienced by immigrants, people in prisons, farms workers, LGBTQ people, and many others.

For many of us in progressive circles, the long list of forgotten communities is increasingly obvious by now. Especially when dealing with so-called women's issues, we know to look beyond the pain and struggles of affluent white women and acknowledge people of color, working-class people, LGBTQ people, immigrants. The #MeToo movement is no different, but simply repeating the names we have learned from social justice settings is not enough. We must question why these groups are marginalized and ignored in larger conversations, and we must work toward tangible changes. Harder still, this work requires us to question our blind complicity in the violence so many face.

Moving forward, the #MeToo movement needs to include the experiences of sexual assault in low-paying jobs where abuse is prevalent and speaking out means losing vital income. It must acknowledge the pain of black and brown woman, of immigrant woman who embark on their journey knowing they will face sexual abuse, of LGBTQ individuals. More, we must realize how layers of marginalized identities affect real people, for instance when trans-immigrant women are placed in male detention centers, where they face the highest rates of sexual violence.

Beyond mere acknowledgement, the #MeToo movement must question and



seek to change the structures and institutions that create these experiences: mass-incarceration, anti-immigration laws, low bargaining power of workers, anti-LGBTQ policies, gendered spaces. These are not simple or quick tasks, but they are necessary if we wish to create a safer, more just society. In short, I believe the #MeToo movement can move further than bringing down powerful, abusive men and reimagine a world where the power imbalance inherent in sexual violence does not exist.

Similar to the macro-structural changes necessary to alleviate our toxic culture, our concepts of micro-level sexual interactions require reexamining. Recently, Aziz Ansari was accused by a woman with the pseudonym ‘Grace’ of continuing sexual advances when she verbally and non-verbally expressed discomfort. The controversy demonstrated the difficulty of pushing the #MeToo movement into murkier cultural debates where the villain is not as obvious and treacherous to everyone.

Regardless of how one feels about Grace and Ansari, the conversation should continue and expose aspects of our romantic and sexual culture that are both damaging and common. Too many people share similarly painful experiences where sex was not pleasurable but forceful. Cultural changes are not easy, yet #MeToo can provide a starting point for us to reimagine our sexual and romantic interactions to create healthy, consensual, and pleasurable experiences for all involved.

In her Golden Globes acceptance speech, Oprah optimistically commented on the #MeToo movement and proclaimed, “a new day is on the horizon!” I want to believe her. But as dawn approaches, the light of this new day may only reach a fortunate few. If we truly intend to end sexual harassment and violence, we have to acknowledge the full range of experiences present and dismantle the conditions that lead to that violence. More, we must allow the #MeToo movement to challenge our culture in large and small ways and slowly create a world where all of us can be free.

ROBERTO FLORES is a 2018 Pat-Cox Humanity in Action fellow interning with the office of MEP Norica Nicolai in the European Parliament. Originally from Mexico City, Roberto is working toward their BM and BS degrees in piano performance and interdisciplinary social science from Florida State University. They led their university’s LGBTQ+ organization, working to provide free HIV tests and creating a leadership program for younger LGBTQ+ students. Roberto hopes to work in the public and private sectors to diminish the negative effects of development on low-income and minority communities.



#METOO UNDER THE THREAT OF NATIONALISM

Sylwia Wodzińska on #MeToo in Poland

For the past two years, Polish women have been taking to the streets in protest against the draconian anti-abortion law the right-wing government, under the leadership of the Law and Justice party, has tried to pass. The proposed law—which called for the penalization of miscarriage and abortion—mobilized various groups, beyond just women and feminists, to become active in Poland’s civic space. In the end, the need for safety is not exclusive to feminists—all women considering getting pregnant or who ‘happen’ to get pregnant, as well as their families and friends, would ideally hope to avoid jail time, should they choose to terminate their pregnancies prematurely.

Today, feminism in Poland is gradually gaining momentum. With the upcoming 100th anniversary of women’s voting rights (November 2018), women are speaking about ‘herstory’ to challenge the prevailing absence of female voices and legacies in the dominant discourse, running successful feminist research projects, drafting new pro-choice laws, and policies and demanding equal rights during monthly protests, much to the government’s dismay. It therefore comes as no surprise that Poland picked up the #MeToo and #ItWasMe movements.¹ Given how multifaceted these movements have become, seeing how friends (mostly female) of different political stances and ages have been posting the hashtag on social media have evoked in me three particular but also distinct observations.

First, while the experience of harassment and gender-based violence is universal, the silence surrounding such crimes makes one repress painful memories, if not belittle them and potentially self-victimize. A good example of such a mechanism is presented in European Fundamental Rights Agency’s publication of its 2011 report on the scale of gender-based violence in Europe.² According to the report, Poland had one of the lowest rates of gender-based violence—only 19% of women had experienced some kind of sexual or physical violence. However, according to the Polish-based STER Foundation, 87% of Polish women experience gender-based violence and terrifyingly, every fifth Polish woman falls victim to rape. It could be argued that this evidence highlights the fact that FRA’s researchers were Scandinavian and therefore not aware of Poland’s specific context, where there is low awareness of what truly constitutes gender-based violence. Hence, probing this phenomenon would require asking additional research questions. For example, one of the questions in the study asked, “Have you been raped?”, which assumes not only that women speak about rape freely



(while, in fact, only 2% of Polish women report rape to the police and only 30% speak to their friends about it), but also that they know what acts are included in the rape category - for instance, marital forced intercourse or sex performed on an unconscious drunk person. “Fun” fact, 30% of Poles are of the opinion that rape can be explained under certain circumstances, further illuminating the regressive conditions in which the discourse on rape exists in Poland. In light of this, the #MeToo phenomenon does the job of both drawing public attention to the true scope of sexual violence and reinforcing the reality that harassment affects the majority of women and girls.

Second, the power of the hashtag lies in that it reaches sectors of Polish society typically uninfluenced by offline feminism. Many feminist groups and NGOs were proud to see how many signatures were collected under the pro-choice law draft. However, a look at the online map on engaged demographics shows that these signatures were collected largely from large urban cities. Although feminism is a growing movement in Poland, it is still a city-based movement and perhaps even predominantly an academic movement. The hashtag, however, reaches those lacking for example, a circle of feminist friends to speak out about their traumas and experiences. Across the globe there seems to be a consensus that there is never a good time to speak about sexual assault without being questioned, judged, stigmatized and condemned. To many people, #MeToo is such a movement because it allows women to see that these are not isolated incidents where a particular woman is to “blame” and creates the foundation for solidarity among people who have decided to look for justice and/or validation of their experiences. I mentioned the monthly women’s protests not only to provide a background of women’s current mobilization in Poland but also to pose a question: do you need to be a feminist (and a female) to disagree with gender-based violence (systemic or personal)?

Third, the types of reactions to #MeToo in Poland are not much different from those in the US. There are feminists who disagree with or are even disappointed with the movement because, in their view, it deprives women of agency. There are feminist heroines who protect a male friend accused of harassment; there are male feminists accused of violence and subsequently, there are right-wingers joyfully narrating about feminists hating everyone, even their male allies; and in the end, there are also people blaming survivors, invoking the danger of false accusations, when in reality, only 2-10% of claims are false.

We witnessed a class clash when an acclaimed writer was accused of harassment and sexist behavior and many men and women alike claimed that it was just his artistic persona and style—so he was not to be held accountable for his actions. We saw an intergenerational clash when Agnieszka Graff, a respected academic and one of the leading Polish feminists, disregarded younger activists and their motivations to join #MeToo. We also saw a gender clash when *Codziennik Feministyczny*, a feminist



news outlet, published a piece in which they expressed they would rather not have men publish #ItWasMe in order not to take space away from women or when LGBTQI+ activists published their take on #MeToo. Finally, #MeToo took down two notable, leftist journalists, Jakub Dymek of Political Critique, and Michał Wybieralski of Gazeta Wyborcza, who were accused by eight women of sexual harassment and rape in an unauthorized piece at Codziennik Feministyczny. This case caused a public heated debate on societal 'costs' of what was framed as a radical feminist manhunt, supposedly spreading false accusations. Dymek, who is a graduate of Gender Studies and oftentimes identifies himself as a feminist questioned whether what happened was really rape if the survivor, his ex-girlfriend, later stayed in close touch with him and spoke about him fondly. The bottom line is that what we observe in the US is to some extent reflected in Poland as well. This similarity leads one to believe that the experience of gender-based violence is as universal as the types of reactions to survivors speaking out.

The main difference is, however, that while the campaign in the US began ten years ago, it has only recently gained momentum thanks to the involvement of top artists and celebrities. This publicity impacted the fact that it is still going strong and new names are being called out each day. However, in Poland the process seems to be dying down after a few accusations have been made. Perhaps it is because the most prominent representatives of the establishment either did not lend their support to the campaign or even mocked and questioned the survivors. Or perhaps it is because in the US the campaign started from celebrities, while in Poland the movement grew out from the public. Perhaps it is because Polish women still do not believe that their voice and testimony matter. In 2016, only 20 cases concerning sexual harassment were heard in courts across Poland.

Finally, #MeToo provides a platform for many to finally seek the ways to speak about their trauma and receive support and acknowledgement, if not the sense of justice, they need. The next months will show whether it was just another short-lived social media outrage or whether it is the beginning of a revolution that can lead to some systemic, social change.

SYLWIA WODZIŃSKA (Warsaw 2014) is a social activist passionate about women's empowerment and a feminist social entrepreneur. She co-founded MamyGłos, a foundation empowering teenage girls in Poland to stand up against sexism. Currently, she is developing a new solution to the underrepresentation of young women in IT. Sylwia was a Program Coordinator of 2017 HIA Fellowship in Warsaw and co-created HIA Poland's social entrepreneurship school. In her free time, Sylwia co-authors interactive books for teenagers on racism, menstruation, sexism and ableism. Sylwia has two MAs from Poznan University in Linguistics and Cultural Studies.



SENIOR FELLOWS LEADERSHIP COUNCIL 2018

We are proud to announce the convening of the Leadership Council, an initiative composed of Senior Fellows to strengthen the intergenerational bonds with Fellows who have completed one of our programs in the last three years. The newly established Council will provide mentorship, perspective, and engagement on current issues that relate both to the member's professional work and Humanity in Action's goals of promoting pluralism, liberal democracy, and resistance.

MEMBERS OF THE 2018 COUNCIL

Aisha Turner (2011 Copenhagen Fellow)

Aisha is currently a radio producer with StoryCorps, a nonprofit using storytelling to encourage justice and empathy. In her years of broadcasting experience with Milwaukee Public Radio, PBS Newshour, and Al Jazeera America, this Baltimore-native covered pressing issues from race to youth and gun violence. Aisha was also a 2013 Pat Cox-Humanity in Action Fellow in Brussels.

Amish Dave (2006 Berlin Fellow)

Amish is a practicing rheumatologist at Virginia Mason in Seattle and a medical consultant for ARC, Brea, California. He received his MD from the University of Chicago with an internal medicine residency at Stanford University and a rheumatology fellowship at Brigham and Women's Hospital in Boston, MA. He has remained an active leader in our annual application reviews in Chicago, San Francisco, Boston, and Seattle since his fellowship in 2006.

Amre Metwally (2011 Amsterdam Fellow)

Amre is currently a Policy Strategist at YouTube, where he helps develop policy for content issues ranging from hate speech to violent extremism. As a Fulbright Scholar, Amre's professional interests include the growing tension between governments and technology companies around regulating speech online and free expression.

Ane Krestine Larsen (2010 Copenhagen Fellow)

Ane holds a faculty position in the Gender and Sexuality department at DIS, teaching various courses on gender, sexuality, prostitution, and human rights. She continues her human rights work with gender identity, sexual health, and prostitution in her positions at the Danish Family Planning Association (IPPF), RedenUng, and Amnesty International. In addition, Ane co-hosts the feminist podcast 'Aftenskolen.'



SENIOR FELLOWS LEADERSHIP COUNCIL 2018

Anida Sokol (2009 Amsterdam Fellow)

With a focus on media and media policies in Bosnia and Herzegovina (BiH), Anida works as a researcher and project coordinator at Medicentar Sarajevo, an organization fostering independent and professional journalism in BiH. Anida holds a MA in English Language and Literature from the Faculty of Philosophy, University of Sarajevo and a PhD in the History of Europe from the Faculty of Political Science, Sapienza University of Rome.

Flora Mendoza (2008 Copenhagen Fellow)

With roots on both American coasts, Flora currently resides in Oakland, California where she works as a development director and campaign manager. She holds a MPA in Public and Nonprofit Management from NYU Wagner, where she was the Lisa Goldberg Fellow in Philanthropy and Public Service. She is also an accomplished classical musician who continues to perform regularly throughout the Bay Area.

Hanane Aboulettotfi (2014 Amsterdam Fellow)

Hanane currently works as a project officer for Schoolinfo, an organization facilitating and inspiring schools to innovate through co-creation. Her passion for youth education continues with past participation in Mosa (a youth radio and debate organization) and Hi5 (now IZI solutions), as well as coordinating Django Girls free coding events for women. She served as the Program Intern on Humanity in Action's 2017 John Lewis Fellowship and received her MA in Political Communication from the University of Amsterdam.

Kan Yan (2004 Berlin Fellow)

Kan's experience runs the gambit, with time working with the UN as an international humanitarian; serving as a lawyer for the United States government; and acting as a management consultant for various global companies. He is the co-founder of Cogivi.com, a collaborative gifting start-up, and spends his time coaching leaders, while also designing and facilitating contemplative practice retreats for senior executives.

Lorenz Narku Laing (2014 Berlin Fellow)

Narku is a Research Associate and Junior Lecturer at the Ludwig-Maximilians-University Munich, as well as a doctoral candidate in political theory. He holds a MA in politics, administration, and international relations from Zeppelin University, where he was given the opportunity to study at the University of Zurich through the Hans-Böckler-Foundation. Since 2014, he has worked as a Diversity Trainer and Anti-Discrimination Consultant. Narku also serves on the Board of Directors of Humanity in Action Germany.



Łukasz Niparko (2014 Warsaw Fellow)

As a dedicated human rights activist, Łukasz has worked with the Helsinki Foundation for Human Rights, Polish Humanitarian Action, and Stepping Stones China. He is the co-founder of the Peace and Liberal Arts Education Center (China) and the Global Dialogue Center (USA). He received his LLM from the European University Viadrina in international human rights and humanitarian law and is an alumnus of the United World College of the American West (USA). Through Humanity in Action, Łukasz was also a 2016 Pat Cox Fellow and 2017 ACLU-Humanity in Action Fellow.

Lumir Lapray (2014 Paris Fellow)

Lumir graduated from Sciences Po Lyon in 2015 with a double Master's degree in Public Policy and Urban Planning, spending her last year at UCLA to study international migration. Upon graduation, Lumir spent six months as a Lantos-Humanity in Action Congressional Fellow with Representative Juan Vargas, working on labor rights and access to voting. Now back in France, she works for the first strategy consulting firm to redistribute benefits to non-profits championing equal access to higher education. Passionate about rural issues, Lumir leads various projects on the topic and hopes to become a voice for rural youth in France.

Molly Curren Rowles (2001 Amsterdam Fellow)

Molly works as the Executive Director of the Jewish Community Alliance of Southern Maine, overseeing an array of community-based services and programs that celebrate Jewish culture and tradition while working to enrich those of all backgrounds. With her experience as an attorney at Pine Tree Legal Assistance, Maine's Legal Aid provider, Molly has a long track record dedicated to racial justice, redressing economic inequality, and creating strong communities that defend minority rights. Molly graduated from Cornell Law School.

Seth Bergeson (2008 Copenhagen Fellow)

Seth is an MBA/MPA candidate at the University of Washington with a background in social impact consulting and global development. He is both a Watson and Fulbright Fellow, helping coordinate the Humanity in Action International Conference in Sarajevo in 2012 on the latter. He also later worked for U.S. Representative Jim McDermott from Washington State on human rights and foreign affairs issues as a Lantos-Humanity in Action Fellow. Seth has consulted for the Bill & Melinda Gates Foundation, Amazon, and various non-profits.



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