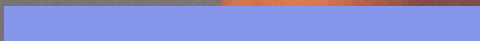


# HUMAN RIGHTS IN THE MODERN ORGANISATION AND SOCIETY

BOOK OF ABSTRACTS

1st International Scientific Conference  
30th November 2022



**Faculty of Organisation Studies in Novo mesto, Slovenia**

in collaboration with

**Faculty of Law and Administration, Nicolaus Copernicus University, Poland**

**Cardet, Cyprus**

**UCLL University of Applied Science, Belgium**

**Faculty of Industrial Engineering Novo mesto, Slovenia**

# **Human Rights in the Modern Organisation and Society**

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*30th November 2022, virtual environment*

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Human Rights in the Modern Organisation and Society  
Book of Abstracts

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Faculty of Law and Administration, Nicolaus Copernicus University, Poland  
Cardet, Cyprus  
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Faculty of Industrial Engineering Novo mesto, Slovenia

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## EDITORIAL THOUGHTS ABOUT THE HUMAN RIGHTS IN THE MODERN ORGANISATION AND SOCIETY

Human rights are a vital and crucial part of our present and future. But recently they have faced some challenges. The changes and threats we are experiencing with the global transformation of geopolitical powers and technologies are creating new challenges and also opportunities for human rights. The importance of protecting human rights is coming into the spotlight with the rise of illiberal democracies and populist governments, prompting a response from human rights actors. Increased (illegal) migration, the decline of democracies, climate and environmental threats, the deterioration of women's rights, war conflicts, various health and economic crises, inequalities, technological disruptions and an unhealthy information ecosystem, environmental degradation, etc., have made the future of human rights one of the most debated issues in our societies.

For this reason, it is of vast importance to shed light on the importance of human rights in the future, in order to regain the recognition of the importance of human lives and campaign for democracy and with that the compliancy with the rule of law, and also to raise awareness of human rights in connection with a clean and healthy environment. We need to form new ground to adequately address the growing threats to human rights. Therefore, we have decided to organise our 1st international scientific conference entitled "Human Rights in Modern Organisation and Society". In doing so, we aim to engage researchers in the ongoing debates on the challenges of the present and the future of human rights, and to explore possible solutions to avoid the deterioration of human rights in the future.

At our 1st International Scientific Conference entitled "Human Rights in Modern Organisation and Society", the speakers of the conference addressed various very interesting issues from the perspective of human rights. The guest speakers of the conference were the Deputy Ombudsman of Slovenia, **Dr Jože Ruparčič**, who had a discussion with **Dr Maja Pucelj** about the challenges arising from human rights in the modern organisation and society. **Dr Tatjana Dragovič**, who spoke about Diversity and Inclusivity Leadership, presented that despite the scores of initiatives actively pursued by organisations and societies to address biases and barriers that exclude underrepresented groups from having a "seat at the table", inclusive cultures, leadership and mindset remain elusive. The equally enlightening and binding concept of "brilliant diversity" calls for bold rebellious leadership to lead by example in embracing the diversity of thought and transforming "otherness" into "we-ness". Only then can we hope for the shift from monological society towards Bakhtin's heteroglossia i.e., "the existence of many voices, some contesting, some cohering, all demanding and deserving attention." **Dr Michał Balcerzak**, who spoke about human rights and artificial intelligence. The speaker focused on the risks and opportunities that should inform the debate about the subject. In elaborating on whether legal responses and solutions keep up with dilemmas resulting from the application of AI, the speaker referred in particular to the report of the United Nations High Commissioner for Human Rights: "The right to privacy in the digital age" (A/HRC/48/31, dated 13 September 2021), as well as the Council of Europe's activities in this domain, reflected inter alia by the works of the Ad Hoc Committee on Artificial Intelligence (CAHAI). The latter produced a document that has been discussed by the speaker ("Possible elements of a legal framework on artificial intelligence, based on the Council

of Europe's standards on human rights, democracy and the rule of law", CM(2021)173-add). The conference was divided into 7 different human rights panels covering the following topics: **Human Rights in the Modern Organisation, Active Ageing, From Restrictions on Freedom of Expression and Free Media to "Digital Dictatorship," Democracy in Crisis and a Crisis of Democracy, Reflections on Human Rights, Discrimination and Sociopolitical Climate, Women's Rights in Decline, and Vulnerability and Human Rights.**

#### **PANEL 1: HUMAN RIGHTS IN THE MODERN ORGANISATION**

**Dr Maja Pucelj** introduced us to the idea of corporate responsibility, which is to ensure adequate respect for human rights, and states are obliged to ensure adequate control over the observance of human rights, which ensures that human rights are not violated. In the event that human rights are violated, states are obligated to ensure access to effective remedies. These rights include, in particular, the rights of workers and consumers, the right to safety and health at work, the right to privacy, and the right to equal treatment and opportunity and protection against discrimination. The Human Rights in the Modern Organization panel was launched as a result of the increased global efforts in recent years to promote responsible business practices that respect human rights and seek to prevent or at least eliminate certain negative impacts. In the above-mentioned panel, author **Valerija Korošec** presented her findings on the hotly debated topic of how best to introduce universal basic income in Slovenia and the EU. Her research results show that the new concept of UBI could be a cornerstone of a New Social Deal that could save the EU from disintegration. Authors **Matjaž Mulej and mag Anita Hrast** have explored a very interesting and under-researched topic: Human Rights in the Innovative, Sustainable and Socially Responsible Society (ISSRS). They have discussed how human rights can be respected more than before in the history of mankind, when the innovative, sustainable and socially responsible society (ISSRS) becomes a reality and not a utopia. The author **Lesia Brych** has presented the topic of investment in human capital as a factor of competitiveness in public service. In doing so, she has examined how the development of the world economic system testifies to the fact that the countries that have used their competitive advantages in accordance with the trends of global economic progress become the most competitive ones.

#### **PANEL 2: ACTIVE AGEING**

Active Ageing describes the process of optimizing opportunities for employment, health, participation and security in order to improve quality of life as people age. More people in the EU aged 55-64 years have been active in labour market and it is expected that workers within this age range will increase to 28.5% of the total population by 2050. EU Commission introduced in 2017 an inclusion and diversity strategy promoting the inclusion of older staff to equal work opportunities as younger staff. Issues around ageing in the workplace such as adjustment to workplace digitalisation and intergenerational communication are not being addressed proactively and this results in a continued mismanagement of talent, decreasing as such employee morale and increasing discrimination in the workplace. As such it is of paramount importance to explore possible solutions and practices that could increase opportunities for active ageing not only in the workplace but in society in general.

Author **Kiki Kallis** presented her findings on the project entitled Intergenerational Mentoring and Learning in the Workplace (LearnGen), whose main goal was to develop curriculum and training

materials to provide a wealth of knowledge and practical applications for VET providers and trainers to develop relevant strategies in their organisations/companies and successfully address ageism and social exclusion in the workplace. The author **Agnieszka Wedeł-Domaradzka** has presented her findings on active ageing and the work environment, trying to discuss the concept of active ageing and whether it can be implemented step by step. She has also discussed whether systemic analysis, plans and strategies are made to work towards active ageing.

### **PANEL 3: FROM RESTRICTIONS ON THE FREEDOM OF SPEECH AND FREE MEDIA TO „DIGITAL DICTATORSHIP”**

**Dr Julia Kapelańska-Pręgowska** noted that it is undisputed that the freedom of speech/expression belongs to the core civil and political freedoms. It is guaranteed by fundamental global and regional human rights instruments. The primary focus of the panel is put on its social and political dimension, given that that freedom of expression is indissociable from democracy, and it is a precondition for a pluralistic society. Both past and present examples from different parts of the world illustrate how this crucial freedom has or is being restricted in deficient and illiberal democracies. It needs to be emphasized that freedom of expression, and free independent media in particular, are *conditio sine qua non* for free elections. Respecting and protecting the freedom of expression is the more challenging in the era of digitalization, Internet and social media. States seem to engage more actively not only in censoring Internet content, blocking „external” social media, and suppressing independent media, but also in creating and spreading disinformation and propaganda, or even Internet blackouts/outages.

Authors **Ana Larissa Adorno Marciotto Oliveira**, **Dr Tímea Drinóczi** and **Monique Vieira Miranda** analysed the tweets about Brazilian Supreme Court Judges posted by far-right politicians and their supporters about the celebrations of the independence bicentenary, where they found that tendency in the political debate was detected, characterized by impolite shameless language and digital media dictatorship, which aimed at targeting the constitutional order. Author **Ewa Milczarek** has discussed the ways of protecting the democracy in the information society era. Author **Maria Daniela Ibanez Zapata** explored the impact that the Universal Periodic Review has on fostering (or hindering) human rights improvements on the ground. The UPR is a unique peer-review mechanism created in 2006 and aimed at genuine institutional change. However, it remains to be seen whether it is effective in generating reform concerning human rights at the domestic level. Her research intends to tackle this gap and address the issue of women’s rights on the ground vis a vis the UPR.

### **PANEL 4: DEMOCRACY IN CRISIS AND A CRISIS OF DEMOCRACY**

Democracy usually is associated with substantive constitutional democracy and treated as the equivalent of liberal constitutionalism as a constitutional system. This system comprises the rule of law, democracy, the protection of human rights and constraint on public power. The constraining effect is delivered, i.e., by the judiciary and notably by the Supreme Court. However, the courts implementing constraints on public power may exceed the neutral process of judicialization of politics and transform their role towards “juristocracy”. Such an engagement of apex courts in the election may affect the state of democracy and cause its crisis. Human rights protection is crucial for the good functioning of the democratic system. The discrimination and lack of effective and efficient tools for fighting it may cause a crisis in the human right component of constitutional democracy.

Authors **Maurício Sullivan Balhe Guedes and Luisa de Boucherville Ferreira Lombardi** presented their research outlining their understanding of the Brazilian Constitutional Court's movements during the 2022 presidential election. Authors **Mirjana Ristovska and Natasha Trajkova Najdovska** presented an overview of the North Macedonian Anti-discrimination Law, in which they explored the question of whether the North Macedonian law is in respectful compliance with European standards in the area of prevention and protection against discrimination, whether there is an effective and efficient application of the anti-discrimination legislation in practice and also whether there is a need to supplement and amend this legislation in the direction of improved protection of fundamental human rights and freedoms in the North Macedonian society and in what trend.

#### **PANEL 5: REFLECTIONS ON HUMAN RIGHTS, DISCRIMINATION AND SOCIO-POLITICAL CLIMATE**

In this panel, we examine the relationship with human rights in three different contexts. While these contexts appear diverse, they each point to the need to always keep the human rights perspective in sight in a constantly transforming society. First, we look at changing health care literacy needs in terms of caring for people with disabilities. Secondly, the impacts of climate change for vulnerable countries and communities are looked at, with a specific focus on communities on small islands. And finally, we explore the need to protect genetic data vis-à-vis third parties in our rapidly digitizing society.

The author **Andreja Vovk** presented her research work. She wanted to find out how much knowledge about working with patients with disabilities nurses have acquired during their formal education, their need for additional knowledge, how their personal experiences affect their views and attitudes towards patients with disabilities, and their experiences with relatives of patients with disabilities. As she stated, nursing has a history of adjusting to changes in health needs of the society and responds to demands of the it. Special needs of people with disabilities are an essential part of life therefore the attitude towards them is of great importance. Author **Przemysław Osóbka** presented research on the vulnerability of small island states to climate change, outlining existing and potential opportunities to support the vulnerability of small island states in the area of addressing climate deterritorialization, environmental migration, and the development of natural disaster warning systems. Author **Klaudia Kofin-Brończyk** spoke on the topic of whether and, if so, to what extent international human rights instruments are sufficient and appropriate to protect third parties from genetic discrimination when she presented her research entitled *Are my Genes my Exclusive Property - The Legal Aspects of the Genetic Discrimination of Individual Third Parties*.

#### **PANEL 6: WOMEN RIGHTS IN DECLINE**

Women's human rights are an undeniable part of the human rights universe. There is constant progress in shaping international standards related to counteracting discrimination against women such as developments related to gender-based violence. At the same time, in many countries, we observe a dramatic gender equality backlash. Women's rights, autonomy, and agency, in particular in the field of sexuality and reproduction are contested and cancelled.

Author **Dobrochna Bach-Golecka** presented a study entitled *Essence of Women's Rights*, in which she analysed the relevant provisions of international human rights law in search of a definition of women's rights. Author **Magdalena Matusiak-Frącczak** presented her research questioning the rise or decline



of women's right to abortion, with the aim of reviewing the actual impact of court decisions on women's right to abortion. Author **Zuzanna Kulińska-Kępa** presented her research on diversity in space exploration, focusing on the inclusion of people with disabilities and women in space exploration. Space exploration is an important area of development. However, it is seen as an activity that lacks diversity. The research shows how the UN and ESA include people with disabilities and women in the activities of and help to set up the scene for the next generation of space exploration.

#### **PANEL 7: VULNERABILITY AND HUMAN RIGHTS**

The universal concept of human rights protection assumes that individual rights and freedoms must be protected from unlawful interference by the state and other - private - entities. However, when it comes to groups that are distinguished by features for which they are particularly discriminated against, this standard protection very often proves to be insufficient. Thus, the human rights protection systems have to come up with and advocate a formula under which these groups, particularly susceptible to violations of their rights and freedoms, would be more strongly protected in and by the relevant instruments of international law. The identification of these sensitive groups, the evolution of protection granted to them and the reflection of the protection trends in the jurisprudence of international human rights control institutions and organizations.

Author **Katarzyna Widlas-Klimsiak** presented her research, which aimed at identifying principal areas of concern regarding rights of persons with psychosocial disability within States parties to the CRPD and presenting the recommendations emerging from the CRPD Committee. The main purpose of the research is to showcase the current position of such persons within the States parties' society and legislature. Author **Anna Magdalena Kosińska** spoke about migrants in the EU, who are a doubly vulnerable group due to their "in-mobility status" and lack of knowledge of the applicable law in the host country and questioned whether there is a need in the EU legal framework to appoint a special ombudsman for migrants in the European Union. Author Joanna Grygiel presented her research on whether OPCAT-based monitoring bodies take into account the risks of torture or cruel, inhuman or degrading treatment for various vulnerable groups in detention and consider the implementation of international standards for the treatment of these groups in the exercise of their mandate.

Bearing in mind the statement of Salil Shaty, Secretary General, Amnesty International: "The solution to our problems is a stronger commitment to human rights, not a weaker one," we need to focus all our efforts on improving the level of human rights to make human rights reality for all. Our conference is just a small, but hopefully important step in ensuring a better future for us all.

Editor:

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## ESSENCE OF WOMEN'S RIGHTS

### Dobrochna Bach-Golecka

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**Research Question:** Within the contemporary society it is more and more common to use the notion of “women’s rights”. However the notion lacks a clear legal meaning and it seems uncertain what is the precise definition of this notion and what particular entitlements are connected to it. Moreover, it is dubious whether women’s rights comprise of parallel legal normative constructions to men’s rights or whether they are in their essence specific right.

**Purpose:** Thus the fundamental aim of research was analyze the relevant provisions of public international law of human rights in the search of women’s rights definition. In case of no uniform legal definition, the goal was to reconstruct the meaning of the notion, taking into account the relevant provisions of the Universal Declaration of Human Rights, International Covenants of Human Rights, Convention on the Elimination of All Forms of Discrimination Against Women and regional European human rights treaties.

**Method:** The proposed research was primarily based upon the normative analytical method.

**Results:** The result of research proved that the notion of womens’ rights remains undefined in a direct manner in public international law. Hence it seems possible to reconstruct this notion and thus to arrive with an indirect definition of the notion. The process may be performed in a two-fold manner. Firstly, it is possible to address the notion of womens’ rights alongside the notion of men’s rights, within the overall perspective of the principle of equality (definition *sensu largo*). This broad understanding of women’s rights pinpoint to the neutrality of human rights provisions, comprising of entitlements, addressed to men and women alike. Secondly, it is possible to distinguish an “essence of women’s rights”, provisions addressed solely to women, and thus providing a precise legal definition (*sensu stricto*). Within the latter perspective the original character of women’s rights is inherently connected to maternity. In seems relevant to stress that women’s rights are not connected at all to abortion, within human rights provisions.

**Organization:** As maternity should be regarded a crucial aspect of women’s rights, the complementary goal of research was to focus upon the instruments of specific feminine entitlements, namely “special care and assistance” towards mothers. The goal of the research was be to identify types of such assistance, contained primarily within labor law and social security schemes. Assistance should also be provided within healthcare system, with the aim of protecting reproductive abilities and rights of women (excluding abortion). The further research question was whether various mechanisms of positive discrimination designed to promote women’s participation in the public life (like e.g. quota system) should be regarded

as instruments embodying the maternity entitlement of “special care and assistance”.

**Society:** Maternity (and more generally parenthood) is of vital importance for the well-being, preservation and development of human communities. Thus women’s rights oriented towards receiving special care and assistance during the period of maternity are of vital importance, too.

**Originality:** The research was performed alongside other contemporary legal analysis of maternity.

**Limitations / further research:** The research on maternity may be continued and developed within interdisciplinary perspective (with the use of philosophical feminist theories, psychological, sociological, and demographical examination or in the analysis of economic impact of motherhood). There is also a need to use comparative methods on maternity assistance schemes adopted on domestic level of regulation.

**Keywords:** women’s rights, feminism, maternity, pregnancy, childbirth, social assistance, positive discrimination.

## ABOUT THE AUTHOR

Dobrochna Bach-Golecka is an Associate Professor at the University of Warsaw, Department of European Law. She served as a Vice Dean for Legal Research and International Cooperation at the Faculty of Law and Administration (2018-2020). She had been appointed a judge ad hoc at the European Court of Human Rights in Strasbourg (2016-2018). Since 2019 she is a Director of the Centre of Canon Law at the University of Warsaw.

## INVESTMENTS IN THE HUMAN CAPITAL AS A FACTOR OF COMPETITIVENESS IN THE PUBLIC SERVICE

### Lesia Brych

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The development of the world economic system testifies to the fact that the countries that have used their competitive advantages according to the trends of global economic progress are becoming the most competitive. Competitiveness is the engine of the country's development and well-being. Human capital plays an important role in building a competitive and sustainable management system. Reforming and improving the civil service system is necessary to ensure conditions for comprehensive human development. The active influence of the state on increasing the efficiency of reproduction of human capital will contribute to the improvement of the economic situation in the country and increase the competitiveness of the national economy in the globalized world.

**Research Question:** The human capital is a set of investments in people in public administration and socialization of the economy. The human capital increases competitiveness through education and professional skills. It is formed at the expense of investments in raising the level and quality of life of the population in the state. The intellectual potential, the educational potential, the psychological potential and health are key elements of human capital competitiveness. Intellectual potential, educational potential, cultural and psychological potential and health are the keys to the human competitiveness.

**Purpose:** The role of human capital in ensuring the competitiveness of civil servants, determining the main directions of investment in its formation, development and implementation.

**Methods:** the functional and comparative analysis; the scientific classification; the method of scientific abstraction; the statistical analysis; the expert evaluation and ratings.

**Organization:** The main subject and object of state administration is a professional. Therefore, attracting funds to the main resource of the state (human capital) is very important. An increase in the level of human potential leads to high competitiveness, improvement of the country's economic indicators and an increase in the social level of the population's well-being. In the modern type of economic growth at the base of using knowledge and innovations the national wealth only for 5% consist of natural resources, for 18% – of the material capital, and the main share – 77% is accounted for knowledge and ability to use it. Today namely the human capital turns the source of welfare as for the person, as well for the society. In complex, all this changes the competition nature at the global markets and determines the place of a country in the global economy.

**Society:** The process of forming a flexible labor market is related to investments in human capital. Namely, the mobility of workers and the need to carry out structural transformations in the

economy of Ukraine. Competitiveness, social development, economic development and cultural development depend on state-financed development of the resource potential of civil servants. Investing in human capital for the state manager is effective in increasing incomes, quality of life, job satisfaction and self-esteem, for the civil service - increasing labor productivity and competitiveness, reducing the loss of working time and saving costs, for the state - increasing the well-being of citizens, their economic activity.

**Originality:** The mechanisms for increasing the competitiveness of the human capital of civil servants and their effective use are based on improved modern approaches to human resource management. The application of tools of state influence on the development and improvement of motivational mechanisms leads to innovative changes in the system of state administration.

**Limitation/ future research:** Competitiveness is an important requirement of the modern globalized world and one of the main criteria for economic development. One of the most important tasks for Ukraine is to increase the competitiveness of civil servants. That is why, in the future, we will investigate the essence of human capital and the problems of investing in human capital in the public administration system.

**Keywords:** the human capital, the human resources, the public service, the competitiveness.

## ABOUT THE AUTHOR

Lesia Brych PhD in the Sciences of Public Administration (2021), master's degree in educational institution management (2014). She works at Lviv Polytechnic National University in the Department of Administrative and Financial Management. Coordinator of Erasmus+ KA1 at the Center for International Education at NULP. She published several articles on the topic of the human resources, the instincts potential, public administration. In her research she focuses on the human capital in the public service.

## OPCAT AND VULNERABLE GROUPS IN PLACES OF DETENTION

### Joanna Grygiel

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**Research Question:** Do the Subcommittee on Prevention (SPT) and national preventive mechanisms (NPMs), as monitoring bodies established by the United Nations Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), contribute to improving the standards of treatment of people deprived of their liberty who belong to vulnerable groups?

**Purpose:** The purpose of the research is to determine whether monitoring bodies based on the OPCAT consider the risks of being tortured or treated in a cruel, inhuman or degrading manner specific to different vulnerable groups in detention and examine the implementation of international standards of treatment of these kinds of groups when exercising its mandate.

**Method:** The research is based on dogmatic and comparative methods of legal analysis. In the first phase, I have mapped the risks of ill-treatment, specific to different vulnerable groups in detention recognized by the UN agendas and other international organizations dedicated to preventing torture, such as the Association for the Prevention of Torture. I have also reviewed the most important documents of the international soft law ascertaining the standards of treatment of persons deprived of their liberty, who belong to vulnerable groups, such as the Bangkok Rules, the Beijing Rules, the Havana Rules and the Yogyakarta Principles. In the second phase of the research, I have examined the issue of responsiveness to the identified risks by the SPT and Polish National Preventive Mechanism, and its consideration of the standards for treatment of people with special needs in places of detention, by analysing its reports and recommendations made.

**Results:** I have found that the SPT and Polish National Preventive Mechanism consider the risks of torture or ill-treatment specific to different vulnerable groups in detention when exercising its mandate. Furthermore, these bodies are responsive to the special needs of detainees in a situation of vulnerability. For this reason, I claim that the SPT and national preventive mechanisms fulfil their mandate to examine the situation of detainees in the context of vulnerability and have the potential to improve the situation of these people in places of detention.

**Organization:** The outcomes of the research and presented good practices may inspire organizations and other stakeholders to further strengthen the standards of treatment of detainees in a situation of vulnerability in places of detention and improve the effectiveness of anti-torture monitoring bodies.

**Society:** The research findings have an awareness-raising value for society emphasising that people, who belong to vulnerable groups, deprived of their liberty in places of detention, such as prisons, police stations, psychiatric hospitals, correctional institutions and social welfare

facilities, deserve to be treated with respect to their dignity and with consideration of their special needs. This kind of research improves our responsivity to the special needs of vulnerable groups.

**Originality:** The results of the research are an added value in the discussion on standards of treatment of people with special needs in places of detention and enable the assessment of the SPT and NPMs' efficiency.

**Limitations / further research:** The research is limited to the current practice of the SPT and the case study of the Polish National Preventive Mechanism. Further research may include new SPT recommendations and other examples of national preventive mechanisms.

**Keywords:** vulnerability, torture, ill-treatment, UN, OPCAT, SPT, national preventive mechanisms.

## ABOUT THE AUTHOR

Joanna Grygiel is a Research Assistant at the Poznań Human Rights Centre of the Institute of Law Studies, Polish Academy of Sciences. Graduate of the Master's degree in Law at the Faculty of Law and Administration of Adam Mickiewicz University in Poznań (2019). Author of the monograph titled "Obstruction in criminal proceedings" (2021), articles and chapters in the field of criminal law, human rights law and public international law. Her scientific interests include national and international torture prevention mechanisms, international standards relating to the treatment of people with special needs in places of detention, international standards for the protection of the rights of accused persons and suspects, international criminal law, and constitutional rights of individuals. She is currently preparing her doctoral dissertation on the operation of national preventive mechanisms. Since 2020, she has been a trainee attorney-at-law at the District Bar Association in Poznań, Poland. She is also human rights activist in the Amnesty International Poland Local Group.

# HUMAN RIGHTS MONITORING MECHANISMS: EXPLORING HOW THE LEGITIMACY AND AUTHORITY OF THE UNIVERSAL PERIODIC REVIEW IMPACT WOMEN'S RIGHTS ON THE GROUND

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**Research Question:** The Universal Periodic Review (UPR) is a unique peer-review mechanism created by the Human Rights Council to assess the human rights situation in all 193 UN member states. Peer reviews are soft governance instruments: they do not offer rewards for good performance or sanctions for noncompliance. Despite norms and conventions in International Law, we have witnessed (and continue to witness) human rights violations across the globe. Some scholars in the field question the UPR's potential to bring about genuine reform. Therefore, my research question is - to what extent does the UPR have the perceived authority and legitimacy to generate reform concerning human rights at the domestic level?

**Purpose:** The main goal of my research is to explore the impact that the Universal Periodic Review has on fostering (or hindering) human rights improvements on the ground.

**Method:** The research is in its early stages. The researcher intends to use a mixed methods approach, with qualitative (mostly) and quantitative methods. Case study selection will be the main qualitative approach (focusing on Latin America), with online surveys and elite and expert semi-structured interviews conducted alongside secondary sources research. The theoretical approaches include Global Governance Theory, Theories of Compliance, Legitimacy, and Authority.

**Results:** There are no findings/results yet as the research is still in its early stages. Organization: The research seeks to shed light on the opportunities and challenges brought about by the Universal Periodic Review. With the findings, I hope that further research can be performed so we can have a better understanding of the effectiveness of the UPR and particularly its peer-review nature and non-binding recommendations. Ultimately, I aspire for the dissemination of collective results to lead to change (if and when needed) in the way the UPR is structured, coordinated, and executed.

**Society:** In the context of our ever-changing and globalized world, the safeguarding of human rights has become increasingly important in the realms of international affairs, international law, and cross-cutting policymaking at home and abroad. Despite a wide array of international treaties available to guarantee the safeguarding of human rights, there are still widespread violations of these rights – at times, at the hands of governments and those who are mandated to protect the victims. The findings of this research will provide a better appreciation of whether the UPR is being effective in advancing human rights protection (and prevention).



**Originality:** The first cycle of the UPR occurred between 2008-2012, and the third (and latest) took place from 2017 until 2022. This mechanism is relatively new, having been created in 2006 and put into action in 2008. While there are scholarly works that have covered the UPR, few focus on how the perceived legitimacy and authority of the UPR fosters or hinders its function on the ground. More interestingly, there is very limited research on the impact that it has had in the Latin American region, not only in terms of perception but in actually improving the human rights situation through effective and long-lasting policymaking, legislation, and strategies. The UPR and its role in the region continue to be an understudied topic, which makes the research all the more current and relevant.

**Limitations / further research:** Some limitations of the research may include a lack of access to certain key actors or stakeholders involved in the UPR process (due to their positions and busy agendas), as well as the sample size. While the final number of people to be interviewed is yet to be confirmed, a limited sample may not be enough to generalize a “widespread” perception. However, it can inspire other researchers to work on similar research questions and methods, and disseminate the results.

**Keywords:** universal periodic review, human rights, legitimacy, authority, compliance.

## ABOUT THE AUTHOR

Daniela Ibañez is a Ph.D. student in the International and Security Studies Program at Corvinus University of Budapest. She holds a Master’s degree in International Relations and Diplomacy from Corvinus University. She has been working in the field of international education for seven years, currently working remotely as Coordinator of International Partnerships at Universidad Casa Grande in her home country, Ecuador. Her research interests include human rights protection, gender studies, and populism in Latin America.

## INTERGENERATIONAL MENTORING AND LEARNING IN THE WORKPLACE (LEARNGEN)

### **Kiki Kallis**

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**Research Question:** More people in the EU aged 55-64 years have been active in labour market and it is expected that workers within this age range will increase to 28.5% of the total population by 2050. EU Commission communicated in 2017 an inclusion and diversity strategy promoting the inclusion of older staff to equal work opportunities as younger staff. Issues around ageing in the workplace such as adjustment to workplace digitalisation and intergenerational communication are not being addressed proactively and this results in a continued mismanagement of talent, decreasing as such employee morale and increasing discrimination in the workplace. The main question addressed in the present research was how can we better combat segregation, discrimination and social exclusion of marginalised workers through intergenerational learning? The research was conducted in the framework of the LearnGen project, an Erasmus plus funded project that aims to assist develop skills in both older-aged and younger-aged worker groups to learn from each other, making them less vulnerable to societal biases.

**Purpose:** The main purpose of the LearnGen project was to develop Curriculum and Training material to provide an avid pool of knowledge and practical applications for VET providers and in-service trainers so they can create relevant strategies within their organizations/company settings and successfully address workplace ageism and social exclusion. It is expected to result in the implementation of innovative practice at the organizational level, specifically by having older workers mentoring youth on skills such as strategic and critical thinking and problem-solving and young workers using reverse mentoring to train older workers to become digitally and media literate.

**Method:** The project consortium (countries: Bulgaria, Ireland, Portugal, Greece, Cyprus and the Czech Republic) worked together on creating rich training material based on empirical evidence and best practices that aimed to help managers, HR Managers and Trainers support elderly and young workers to develop core skills necessary to teach and learn from each other and engage in reverse mentoring. The training was implemented and piloted in all the participating countries. A total of 122 participants from all partner countries participated in the piloting of the training. The material and the project's online platform of resources were presented and evaluated before finalisation and dissemination through the online platform and multiplier events.

**Results:** The participants exhibited strong intentions to take measures and/or create opportunities to all workers, regardless of their age group, in order to avoid huge future discrepancies between labour market demand and supply.

**Organization:** The pilot training participants realised that they themselves sometimes hold

stereotypical age biases and they agreed that the ageing working population is not often spoken about, with a lack of resources and strategies available to organisations to combat the issue.

**Society:** All pilot training participants agreed that the government and other responsible parties should firstly raise awareness and then proceed with the creation of a concrete plan.

**Originality:** The concept of reverse mentoring with the aim of combating ageism and social workplace exclusion is a new one with not a lot of research done.

**Limitations / further research:** The main limitations of this research are its cross-sectional nature, the self-reported data collected and the relatively small sample size. Future research could aim at developing and testing the effectiveness of more resources and practices that could combat the issue of ageing specifically in the workplace.

**Keywords:** intergenerational learning, mentoring, reverse mentoring, workplace inclusion, combating ageism, combating social exclusion.

## ABOUT THE AUTHOR

Kiki Kallis. With a BA in Psychology and Human Resource Management from Keele University and a MA in HRM from the University of Leeds, Kiki has had an international career spanning over 25 years working in various companies and organisation in roles ranging from Consultant to HR Business Partner. She is currently the HR Manager for HR Award-winning, non-profit research and training organisation CARDET, responsible for the organisation's HR systems, policies and their implementation. She is a Fellow member of the Cyprus HR Management Association of which she served as a Board member. She is also an Associate Professional Member of the CIPD. A Certified trainer, Kiki loves delivering HR training workshops for capacity building. Her professional passions include Talent Management, Inclusion and Diversity, Employee Wellbeing and Employee Engagement.

## THE LEGAL ASPECTS OF THE GENETIC DISCRIMINATION OF INDIVIDUAL THIRD PARTIES

### **Klaudia Kofin-Brończyk**

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**Research Question:** Why should genetic discrimination be distinguished from general anti-discrimination standards? What rights of individual third parties and what areas are at the greatest danger of genetic discrimination?

**Purpose:** The purpose of the project is to analyse whether and, if so, to what extent international human rights instruments are sufficient and adapted to protect third parties against genetic discrimination.

**Method:** The dogmatic analysis, which comprises two elements. The first one is a quantitative and qualitative method involving an analysis of international law. The second is the legal and dogmatic method involving a critical analysis of literature and case-law. The third one involves the comparative law method, the purpose of which is to compare the regulations applicable in the universal and regional human rights systems. The comparison will allow to find possible gaps and determine whether international law offers a model of legal protection against genetic discrimination against third parties.

**Results:** A number of legal acts contain general anti-discrimination standards. However, examples of genetic discrimination indicate that the current regulations may prove insufficient. It is my hypothesis that the result of the existence of gaps in the relevant definitions is the insufficient protection of individual third parties in comparison with that provided for studied individuals.

**Organization:** The research seem to indicate that the most sensitive are: the right to information, the right to privacy and the right to ignorance. The analysis of cases, legal acts and case-law initially reveals the image of five such groups: persons who have undergone a genetic test or medical interview; the relatives of that person; the spouse; the population group and future offspring. The analysis seems to indicate that if countries introduce sector-specific protection, this concerns insurance and employment (e.g. GINA – USA). The most vulnerable sectors seem to be insurance, employment, sport, education and adoption.

**Society:** The results of the project may not only provide a new perspective on the subject matter, but also introduce new paradigms that will speed up normative discourse on discrimination based on genetic characteristics against third parties and on additional topics such as genetic testing, genetic material trafficking and the consequences of disclosing genetic information to entities other than the subject.

**Originality:** The issue of the genetic discrimination of individual third parties has hitherto not been investigated by scientists in a comprehensive manner. It goes without saying that some

publications do refer to the right to privacy, the right to information the right to ignorance (Chadwick 2014), and, what is also a subject-matter in some cases are issues relevant to two areas in the danger of genetic discrimination: insurance, and also employment (Lemke 2016). Nevertheless, none of the relevant dissertations refers to relations between the right to manage freely one's own personal data possessed by a studied individual and the protection of the rights of individual third parties.

**Limitations / further research:** As progress take place not only in medicine, but also on the social plane, we must not forget the aspect of social media. A 2015 study conducted among over m1000 respondents showed that 7.5% of posts on Facebook are related to health (Padrez, Ungar, Schwartz, Smith 2015). The purpose of the study was to verify whether it is possible to create a medical data repository based on information from social media. It was found that the number of health-related posts and the amount of persons willing to make their data available from Facebook (19%) could be sufficient to create such a database. The results of this study may translate into issues of sharing genetic data.

**Keywords:** discrimination, genetic data protection, third party rights.

## ABOUT THE AUTHOR

Klaudia Kofin-Brończyk is currently a third year PhD candidate in Law at the University of Silesia in Poland. Her thesis title is "Genetic discrimination as a legal problem". Her research is focused on genetic data, human rights and third party rights. Klaudia has presented work at numerous conferences. Klaudia completed a fellowship at the Polish Ombudsman Office in Katowice during which she wrote legal opinions, especially on protecting vulnerable groups' rights.

## UBI- CORNERSTONE OF A NEW SOCIAL DEAL

### Valerija Korošec

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**Research Question:** How would it be best to introduce UBI (Universal Basic Income) in Slovenia and the EU?

**Purpose:** Analysing the possibility of UBI introduction in Slovenia and the EU.

**Method:** Ten years of research with the participant observation method, and international comparative analyses.

**Results:** The research proved that UBI is not possible to introduce in Slovenia or in the EU in the manner proposed 10 years ago. The approach and proposal have to be updated.

**Organization:** The researchers, advocates, and professionals will have to start with the new circle of research on UBI implementation.

**Society:** Unfortunately, society and the environment will have to endure a huge hardship while a new UBI concept has yet to be developed.

**Originality:** New concept of UBI could play a cornerstone of a New Social Deal that could prevent the EU from disintegration.

**Limitations / further research:** UBI would have a tremendous impact on the de- bureaucratization of the state. Therefore the research on UBI is limited on every and each step of current state funding and should be therefore in the future conducted only within private research entities.

**Keywords:** UBI, new social deal, future.

### ABOUT THE AUTHOR

Valerija Korošec, Ph.D. in Sociology, University of Maribor, 2000; MESPA, 1994. Undersecretary at the Institute of Macroeconomic Analyses and Development, Government of Slovenia, Social Policy Division, since 2001. An author of Slovenian UBI proposal (2010) and numerous articles on Universal Basic Income. Main areas of interest: basic income calculations, feasibility studies, microsimulations, income inequality, the risks of poverty, material deprivation and social exclusion, employment traps, gender in/equality, synthetic development indicators. A representative of Slovenia in BIEN, a founding member of UBIE, Universal Basic Income Europe.

## DOES THE EUROPEAN UNION NEED A SPECIAL OMBUDSMAN FOR MIGRANTS?

**Anna Magdalena Kosińska**

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**Research Question:** Migrants in the EU are a group of double vulnerability because of their »in mobility status« and lack of knowledge on the binding law in receiving country. Does there, in consequence, exist in the legal framework of the EU the need for appointing a Special Ombudsman for Migrants in the European Union?

**Purpose:** Forced migrants, persons seeking international protection and also irregular migrants face various obstacles in the full enjoyment of fundamental rights guaranteed to them. The research purpose is to answer the RQ and in the consequence, if the answer is positive, prepare a proposal of the institutional framework of the Office of the Ombudsman.

**Method:** The research purpose was achieved by the comparative legal method – the comparison between US legal system, Australian legal system and European system.

**Results:** Migrants, as a vulnerable group, not knowing very well the legal norms binding in the receiving country, need special support in the legal protection process. This question rose to prominence especially in the context of the COVID-19 pandemic and the outbreak of the war in Ukraine. The office of a specialized ombudsman who deals with the issue of migration is not a novelty in the solutions adopted in non-European countries. For example, the Citizenship and Immigration Services Ombudsman operates in the USA, appointed under the Homeland and Security Act (act of 2002). The Ombudsman's main tasks involve helping individuals and employers in proceedings before the Bureau of Citizenship and Immigration Services, identification of areas in which individuals have problems in proceedings before the Bureau and suggesting possible changes in the administrative practice. Moreover, the Ombudsman presents an annual report on its activity to the Congress no later than on 30 June of the year following the reporting year.

The aim of this presentation is to demonstrate needs in the area of ensuring legal protection to migrants in the EU and to put forward proposals to appoint a special office of the Ombudsman for Migrants within the EU institutional framework.

**Organization:** The proposal may strengthen the protection of migrants rights, if properly implemented. May be also helpful for NGOs acting within the area of human rights.

**Society:** The research amplifies the social awareness about migrants status and their needs, helps to fight discrimination and xenophobia.

**Originality:** The proposed research presents a brand new look at the Union responsibilities in the migrants' rights protection.

**Limitations / further research:** The presentation is the outcome of the scientific project THE

OMBUDSMAN AS A GUARANTOR OF PROTECTION OF FUNDAMENTAL RIGHTS OF MIGRANTS founded by the Polish Science Centre. The presentation covers only a piece of the general scheme of the project and in the future the author, basing on the current finding, will prepare more detailed proposals for the EU institutions, regarding this problem.

**Keywords:** migration, immigrants, Ombudsman, EU law, fundamental rights, legal protection.

## ABOUT THE AUTHOR

Anna Magdalena Kosińska. Graduate of an art history programme at the Faculty of Humanities of the John Paul II Catholic University in Lublin (KUL) and doktor habilitowany (post-doctoral degree) of law and professor of the University of Szczecin. Co-creator of the MIGRA-TEAM research team at the Rule of Law Institute; since 2015 head of the Research Center for European Migration Law and Policy at KUL which publishes the “Prawo i polityka migracyjna” [Migration Law and Policy] series. Coordinator of the Foreigners’ Section of the Legal Clinic at the University of Szczecin and of numerous projects dedicated to helping and integrating migrants (i.a. Support for Voluntary Returns in Lublin Region I and II co-financed from the funds of the European Return Fund). Author of monographs and publications on migration and refugee law and coordinator of NCN projects, now: “Ombudsman jako gwarant ochrony praw podstawowych migrantów” [The Ombudsman as a guarantor of protection of fundamental rights of migrants”]



## DIVERSITY IN SPACE EXPLORATION

### Zuzanna Kulińska-Kępa

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**Research Question:** This paper focuses on the inclusion of people with disabilities and women in space exploration. Space exploration in the 21st century is an important area of development for humankind. However, it is still seen as an activity that lacks diversity. Analysis of the legal framework and the current status quo of including people with disabilities and women in the activities of the United Nations and the European Space Agency helps to set up the scene for the next generation of space exploration.

**Purpose:** Complex analysis of international human rights law and space treaties, including Article I of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, and the practice of international organization show how much still needs to be done to fully include women and persons with disabilities in space exploration.

**Method:** The method used is typical for legal studies, including the dogmatic method and analyses of the official policies of the UN and ESA.

**Results:** Modern society still needs to do a lot to fully include women and persons with disabilities in space exploration. In the research, the most effective practice in this area was specified.

**Organization:** The papers open the question of the inclusion of marginalized groups in space and the way how diversity can be achieved.

**Society:** The research has a huge impact on society and social responsibility. It raises the self-confidence of those who are discriminated against and sensitizes society.

**Originality:** This is the first research on this issue done from an international law perspective.

**Limitations / further research:** There are method limitations, concerning the lack of access to various policies and practices of organizations not published. The research could be expanded on the internal policy and practice concerning this issue. Further research can include members of other marginalized groups based on ethnicity component.

**Keywords:** women, persons with disabilities, space, inclusion in space, ESA, UNOOSA.

### ABOUT THE AUTHOR

Zuzanna Kulinska-Kępa, PH.D. is an assistant professor at the Faculty of Law and Administration of the University of Warsaw (Department of International Aviation and Space Law) and a lecturer at the District Bar Council in Warsaw. Between 2007-2011 and 2015-2017, she served as president of

the Amnesty International Poland Association and was the first woman from Eastern Europe to sit in the International Executive Council of Amnesty International (2011-2013). She is the author of scientific publications on international law, human rights protection, and space law issues. Fellow of the Hague Academy of International Law. Member of the Polish Group of the International Law Association (ILA).

## WOMEN'S RIGHT TO ABORTION – RISE OR DECLINE?

### Magdalena Matusiak-Frącczak

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**Research Question:** Women's right to abortion has recently been disputed after the judgment of the Polish Constitutional Tribunal of 22nd October 2020 and the judgment of the Supreme Court of the United States of 24th June 2022. These two decisions are regarded as restricting the right to abortion with the aim to protect the right to life of a foetus. Especially the Polish judgment resulted in massive protests in Poland, however in 2022 there was another attempt to limit women right to abortion by making it equal to murder. Therefore it needs to be analysed what the current status of the women's right to abortion actually is.

**Purpose:** The purpose of the research is to verify the actual impact of the above mentioned judicial decisions on the women's right to abortion. The examination will permit to present a solution to the legal conflict of the right to abortion and the right to life and to indicate, why women right to abortion prevails over foetus' right to life. The main goal of the presentation is raising the awareness, that the women's right to abortion is in fact a corollary of different human rights. The subsidiary aim will be a comprehensive analysis of the so called conscience clause that permits gynaecologists to refuse abortion to pregnant women as well as pharmacist to sell contraceptives, including female emergency contraceptives.

**Method:** The goal of the research has been achieved by the application of methods relevant to legal studies. These were the formal-dogmatic method, the theoretic method and above all the comparative method. The deliberations will be based on different national standards and case-law, as well as standards depicted in the case law of the ECtHR, the IACTHR and the UN HRC.

**Results:** The women's right to abortion forms part of human rights like the freedom from inhuman and degrading treatment, the right to life and the principle of non-discrimination. It is widely accepted (except for selected States with the dominant Catholic religion) that a foetus has right to life, but it is conditional and limited by rights of a woman. Also the men's right to privacy and family life might be restricted by the bundle of women's rights. It will be also possible to explain, why the female patients' right to achieve available medical treatment, which is part of patients' right to life and to physical integrity, prevails over another person's (doctor, nurse, pharmacist) right to freedom of religion. It can be concluded that despite some decline of the women's right to abortion in some jurisdictions, it is in rise globally.

**Organization:** The research can have impact on international and national laws and case-law but also on practice of hospitals and pharmacies regarding available medical treatment and

admissibility of the conscience clause for their employees.

**Society:** The research permits to understand the very essence of the women's right to abortion. It is not some newly discovered right, dependent on the will of legislators, but a part of the most basic human rights, especially the freedom from inhuman and degrading treatment, which is jus cogens norm of international law.

**Originality:** The research analyses the new developments regarding the women's right to abortion and it strongly concentrates on the most recent case law of 2020 and 2022 and its impact on global understanding of basic human rights.

**Limitations / further research:** The status of the women's right to abortion changes regionally and locally. The decision of the SCOTUS might have opened a Pandora's box in the United States, as now each State will decide separately on the scope of this right. There is also an immense pressure of the international community on Poland and some states in Latin America to mitigate their strict anti-abortion laws.

**Keywords:** abortion, woman, foetus, right to life, freedom from inhuman and degrading treatment, conscience clause.

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## THE INFORMATION BUBBLE: HOW TO CONTROL DEMOCRACY IN THE INFORMATION SOCIETY ERA

### Ewa Milczarek

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**Research Question:** How to protect democracy in the information society era?

**Purpose:** The main research objective is to show that information bubbles violate decisional privacy, which in consequence leads to a violation of the correctness of the election process.

**Method:** Case study analysis, dogmatic analysis

**Results:** How states should regulate social media in the field of information bubbles

**Organization:** The research shows the mechanism of information bubbles functioning and the way the algorithm works. Thanks to this, we can see that not all information is distributed evenly on the Internet and some of the information does not reach the recipients

**Society:** Research shows the negative impact of information bubbles on election processes

**Originality:** The research is based on the concept of social control over the social media algorithm

**Limitations / further research:** The purpose of this article is to identify problems and review solutions. Research on the problem should be further established on the basis of legal and factual analysis

**Keywords:** information bubble, internet law, democracy, decisional privacy, social media.

### ABOUT THE AUTHOR

Ewa Milczarek. Juris Doctor, PhD thesis: EU Standards of Protection of the Right to Privacy on the Internet Author of several articles and scientific papers; area of research: Constitutional law, European Union law, international law, Internet law. Professor (Assistant) at University of Szczecin Faculty of Law and Administration).

## HUMAN RIGHTS IN INNOVATIVE SUSTAINABLE SOCIALLY RESPONSIBLE SOCIETY

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**Research Question:** How can human rights be more respected than so far in human history, if the innovative sustainable socially responsible society (ISSRS) becomes reality, not utopia.

**Purpose:** To help humankind find its way out from the current blind-alley, caused by neo-liberalism replacing the free market and democracy, including a too poor care for human rights.

**Method:** Desk research, based on the Dialectical Systems Theory, development economics and concept of (corporate) social responsibility, summarised in ISO 26000 and related UNO documents.

**Results:** Human rights, as defined now, have always been violated, but less and less, because the utopia of ending the abuse of humans by bosses became reality, step by step, over human history.

**Organization:** Social responsibility, sustainability and innovation are becoming more and more crucial to managers, organization, or practice; they support competitiveness.

**Society:** ISSR society, as suggested by this research, makes social responsibility and care for environment normal rather than utopia, even more: a crucial precondition of humankind's survival.

**Originality:** Librarian research found no reference on ISSR; value or the originality of the research reaches beyond ISO 26000, which includes human rights in its seven principles.

**Limitations / further research:** Research is limited, at this stage, to positive cases and criticism of the given practice called neoliberalism; suggestions for further research include further steps toward requisite holism of the model and ways of implementation of ISSRS.

**Keywords:** social responsibility, sustainability, innovation, non-technological innovation, slavery, feudalism, capitalism, genders' equality, neoliberalism, ISSRS.

## ABOUT THE AUTHORS

Matjaž Mulej, Emeritus Professor, PhD. (Systems theory in economics), PhD. (Innovation management), retired from University in Maribor, Faculty of Economics and Business, member of three international academies of sciences and arts, recipient of Norbert Wiener Gold Medal (granted by WOSC), many awards for the work on innovation in Yugoslavia, Slovenia, Maribor, University of Maribor; close to 2.500 publications in close to 50 countries, close to 110.000 reads (according to Research Gate), beyond 2.200 citations (according to Academia) from around the world, visiting professor abroad 15 semesters (Austria, China, Germany, Mexico, USA /most, including Fulbright visiting professor at Cornell U., Ithaca, NY, and U. of Oregon, Eugene, OR), beyond one hundred books and proceedings as co-author and co-editor, half of them as head of research at IRDO Institute for the Development of Social Responsibility (in 18 years, after retirement); consultant to enterprises and other organizations about 500 times in six countries.

Anita Hrast, establisher and manager of IRDO - Institute for the Development of Social Responsibility, M.S. in management of not-for-profit organizations, co-author and co-editor of close to 50 books and proceedings by IRDO, senior lecturer at DOBA Faculty in Maribor.

## FAR-RIGHT DISCOURSE IN BRAZIL: HAS SHAMELESS LANGUAGE BECOME NORMALIZED?

### Ana Larissa Adorno Marciotto Oliveira

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**Research Question:** In this paper, we focus on what was said by far-right Brazilian politicians and their supporters on Twitter about Brazilian Supreme Court Judges in the days surrounding the celebration of the country's independence bicentenary. The following questions guided our study: 1. To what extent was impolite shameless language employed in the posts of far-right politicians and their supporters to discuss the role of the Brazilian Supreme Court? 2. How did Twitter users react to these posts? 3. What did the posts reveal about the normalization of impolite shameless language in the Brazilian political debate?

**Purpose:** To investigate if the verbal behavior of far-right Brazilian politicians and their supporters revolves around verbal behaviors that cross the boundaries of the 'sayable' in the political scenario and how/if it threatens the constitutional order and the human rights.

**Method:** To do that, we searched for #stfvergonhanacional (#stfnationalshame), #stforganizaçãocriminosa (#stfcriminalorganization) and #stfgabinetedocrime (#stfcrimeoffice) and found over two hundred original tweets with these tags in the days near the celebration.

**Results:** We discovered that, while the tags prompted a discussion about impoliteness and shameful language in the political sphere (Culpeper, 2011; Blitvich, 2022, Scheppele, 2020; Wodak, 2021), the posts accompanying them were also mainly employed to vilify the judges of the Supreme Court in an attempt to ostracize them.

**Organization:** The findings also show that Brazilian populist leaders' rhetoric in the episode was characterized by shameless impolite language, which was targeted at minorities, namely, immigrants, women, black, gay people, as well as democratic institutions.

**Society:** In assuming that the normalization of shameless language plays a pivotal role in implementing authoritarianism in illiberal democracies, as well as in normalizing illiberal discursive practices, this study has shed light on the Brazilian digital environment, particularly Twitter.

**Originality:** The study revealed that a new tendency in the Brazilian political debate may be



underway, particularly in that it affects the constitutional order and seeks to promote a type of digital media dictatorship.

**Limitations / further research:** Although our data is relevant and contributes to manifold fields of investigation, we also believe that more research is needed to expand our findings, specially to other digital platforms and political scenarios.

**Keywords:** far-right discourse, digital media, human rights; shameless language, political discourse; impoliteness. Twitter.

## ABOUT THE AUTHORS

Ana Larissa Oliveira is a professor and researcher at the Federal University of Minas Gerais (UFMG, Brazil). Her research revolves around the Pragmatics of (Im)politeness on digital media, with a special focus on the social dynamics of interaction from a multi-dimensional approach. More particularly, she is interested in the relations between grammar, discourse, and creativity in language. She has supervised several Master's and Doctoral students and has published extensively in national and international journals. She is also the holder of a national productivity research grant from the National Council for Scientific and Technological Development (CNPq). In 2022, she served as a visiting scholar at the University of Lancaster (UK).

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## SMALL ISLAND STATES VULNERABILITY TO CLIMATE CHANGE

### Przemysław Osóbka

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**Research Question:** Problem discussed in the article is how to increase resilience to the impacts of climate change for vulnerable countries and communities, especially for small island states in Pacific, Indian Ocean and Caribbean Sea?

**Purpose:** Climate change is a global problem. Partial solutions contribute to the lesser discomfort of the whole. Therefore, finding solutions suitable for small island states is important for the entire planet. Solutions proposed in the article could be applied in these parts of the world and may contribute to reducing migration pressure, preventing climate deterritorialization as well as environmental losses and damages.

**Method:** Using historical and formal-dogmatic methods, conclusions de lege lata and de lege ferenda will be demonstrated. They will concern both the already existing legal solutions supporting the vulnerability of small island states as well as those that could develop this support.

**Results:** The results will show both the existing and potential possibilities of supporting the vulnerability of small island states in the field of counteracting climate deterritorialization, environmental migration and the development of natural disaster warning systems.

**Organization:** Impact of results can be helpful for decision-making factors in small island states as well as intergovernmental and non-governmental international organizations supporting them in designing further aid activities or modifying currently implemented ones.

**Society:** The article takes into account the need to identify those responsible for climate change and the social, economic and political problems it causes. At the same time, the great complexity of the problem of responsibility of states and international corporations will be indicated. The impact of climate change on the everyday life of the societies of small island states will also be presented.

**Originality:** The societies of small island states urgently need support to protect their own and their families' life and health. The international community is ready to provide this help, but grappling with its own problems that limit it in this regard. The originality of the presented approach consists in taking both of these reasons into account and looking for solutions that help meet expectations, needs with opportunities and limitations.

**Limitations / further research:** On the one hand, the article is based on the more than 10-year-long scientific achievements of the author, and on the other hand, it is a good starting point for further research on the vulnerability of small island states.

**Keywords:** climate change, vulnerability, resilience, small island states, environment, climate deterritorialization, migrations, natural disasters.

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Selected scientific achievements:

- P. Osóbka, Climate Change and the Convention Relating to the Status of Refugees of 28 July 1951, "Polish Review of International and European Law", Vol 10 No 1 (2021)
- P. Osóbka, Political and economic aspects of climate change, in "Scientific challenges. Economic and legal challenges 2019", Lviv 2019
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## AN OVERVIEW OF THE NORTH MACEDONIAN NON-DISCRIMINATION LAW

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*"No one is born hating another person because of the color of his skin, or his background, or his religion. People must learn to hate, and if they can learn to hate, they can be taught to love, for love comes more naturally to the human heart than its opposite." Nelson Mandela*

**Research Question:** Today, it is undeniable fact that the prohibition of discrimination and the principle of equality represent the basic foundations of the legal state and the rule of law principle. The first Law on Prevention and Protection against Discrimination, as a *lex specialis* law, in North Macedonia was adopted in 2010. Since this Law was not fully aligned with European standards and ECtHR jurisprudence, ten years later, in 2020, a new Law on Prevention and Protection against Discrimination was adopted.

**Purpose:** The main goal of this paper is to provide an answer to the following questions: Is North Macedonian Law aligned respectably with European standards in the field of prevention and protection against discrimination? Is there an effective and efficient application of non-discrimination legislation in practice? Is it necessary to supplement and amend this legislation in the direction of improving the protection of basic human rights and freedoms in North Macedonian society and in which trend?

**Method:** For the purpose of this paper, several methods will be applied: method of normative analysis, empirical research, using survey data from 315 citizens, statistical data published by relevant institutions, method of comparison, method of analogy, and case law method.

**Results:** The respondents' perception is that discrimination is present in the Republic of North Macedonia, and it is most prevalent in the field of labor relations. Respondents are not sufficiently familiar with the legal means available to them and do not trust the institutions. It is necessary to amend the Law, especially in the direction of greater efficiency of the misdemeanor procedure conducted by the Commission for Prevention and Protection against Discrimination.

**Organization:** The results obtained from the conducted research indicate the fact that institutions and organizations are not efficient and proactive enough in preventing discrimination in individual sectors.

**Society:** The respondents' perception is that North Macedonian society faces discrimination in all areas and that efficient mechanism are needed to minimize the number of cases of discrimination and to implement efficient procedures in which responsibility will be individualized.

**Originality:** The research presents new and original data related to empirical research and recommendations related to the new North Macedonian non-discrimination legislation, appropriate for future comparison.

**Limitations / further research:** The research was conducted using an online survey, so as limiting factors we would mention all the weaknesses of this type of research, compared to the survey in person. A limiting factor is the fact that there are not enough cases related to the new Law, so in the future, the focus should be put on the judicial practice and the Commission's practice related to discrimination.

**Keywords:** Commission, discrimination, equality, human rights, Law, non-discrimination, survey.

## ABOUT THE AUTHORS

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## BRAZILIAN'S SUPREME COURT IN A DEMOCRATIC COUP D'ÉTAT

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**Research Question:** The stance of the Brazilian Federal Supreme Court (STF), during the 2022 electoral period, was heavily criticized by supporters, now defeated at the polls, of President Bolsonaro. From a block of decisions, the court was able to control the possibilities of political-electoral discourse, restricting the scope of protection of freedom of expression. The turning point in the institutional behavior took place when the current president began to attack the polls and put in check the reliability of the electoral process, a reason that proved to be sufficient for the STF to investigate him for “undemocratic acts”.

**Purpose:** Understanding the movements of the Brazilian constitutional court during the 2022 presidential elections.

**Method:** The measures adopted by the STF are characteristics of what Issacharoff (2007) read as a “fragile democracy”, in which the discourse during the electoral process needs to be linked to democratic achievement, where everything that contrasts with it is out of the possibility of the exercise of the right, on the grounds of guaranteeing the freedom to vote. Challenging the conventional view, Varol (2012) understands that there are measures usually used in authoritarian regimes that, sometimes, promote and help to develop the democracy game more and better than those typically used by the democratic system itself. The research proposes the dialogue between the authors.

**Results:** The research is able to demonstrate that, despite having taken authoritarian decisions, the court managed to contribute to guaranteeing the normality of the elections.

**Organization:** Debating the limits of the court's action, as well as the legitimacy of its decision-making is a key-element of the very possibility of the existence of a constitutional state, it impacts the work of judges, lawyers, prosecutors, and allows for better social scrutiny.

**Society:** Bolsonarism raised its tone against the court and reinforced questions about the legitimacy of the institutions and the voting process. The issue, however, is that Bolsonaro's campaign was largely based on fighting a democratically established system, in the same tone in which he attacked the human rights of minority groups. Understanding these complex dynamics of power in the social context, the impacts for future elections or even for the quality of the democracy game is an essential part of the contribution of this work.

**Originality:** It is correct to say that Bolsonaro was not able to conceive his re-election bid as he would have liked, much of it due to a decision-making expansionism of the STF. The method

employed does not necessarily see such a situation, even if it is atypical, as negative, as long as it enhances democracy.

**Limitations / further research:** reading the work is enough to identify one of the fields of action of the Judiciary, as well as informing only the 2022 elections, not taking care of the past.

**Keywords:** Brazilian's Supreme Court, Democratic Coup d'État, Elections, Bolsonaro.

## ABOUT THE AUTHORS

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## HEALTH LITERACY OF NURSES AND PATIENTS WITH DISABILITIES

### Andreja Vovk

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**Research Question:** Special needs of people with disabilities are an essential part of life. Almost every person will become temporarily or permanently dependent during their lifetime, and those who get to be old will face more and more problems. Persons with disabilities face numerous obstacles, therefore the attitude towards them is of great importance. The awareness of the significance of health literacy gives healthcare workers an opportunity to support patients and their families to surmount obstacles in the areas of health and welfare.

**Purpose:** The purpose of the research was to establish the amount of knowledge on working with patients with disabilities gained by nurses during their formal education, to establish their need to acquire additional knowledge, to establish the impact of their personal experiences on their point of view and attitude towards patients with disabilities, and to determine what kind of experiences they have with relatives of patients with disabilities.

**Method:** A qualitative research design was employed; data were collected with a survey. The reason for this approach was that, in Slovenia, no relevant instrument exists for assessing the health literacy of nurses and their attitude towards working with patients with disabilities. Data were collected with a structured questionnaire. For the interpretation of the data and the text written by respondents, a multi-phase approach of qualitative context text analysis was used. Context analysis of respondents' answers yielded three main topics: (1) experiences on nursing patients with disabilities, (2) experiences with the relatives of patients with disabilities, and (3) the importance of knowledge on working with patients with disabilities. Collected data were coded and the interpretation of findings was made.

**Results:** Our results revealed that nurses require formal education in the area of disabilities in their undergraduate and postgraduate curricula. They gain knowledge for working with patients with disabilities during the working process and by attending additional training and education. Nurses have both personal and professional experiences in the area, and describe their relations with patients with disabilities and their relatives positively.

**Organization:** The implementation of formal education in the area of disabilities in undergraduate and postgraduate nursing curricula would foster quality improvement of healthcare provision for patients with disabilities. Persons with disabilities should be included in the education and training as the ones doing the teaching as this would contribute to the detabooization of the topic and to accepting diversities. Preparation of evidence-based guidelines for the establishment of needs and treatment with the emphasis on patient-centered care would improve healthcare provision. Health literate organizations should provide not only equal but special health care.

**Society:** Nursing has a long and important history of adjusting to changes in the society and its



health needs, and responds to demands of the society. Nurses play an important role in health care so the necessary changes need to start with them. Nurses have an impact at personal and individual level and at organizational level. They are the most important when it comes down to promotion of health literacy as they are the ones working closest to patients and have contacts with patients on daily bases.

**Originality:** The research is the first one of the kind in Slovenia.

**Limitations / further research:** First, the number of respondents was too low. Second, this was the first research of this kind in Slovenia, so there are no other Slovene research data to compare our results with. Third, the instrument was made for the purpose of the research as the foreign instrument was out-of-date and unsuitable. The research also gives an idea for further research in the area as it is an important part of work of nurses.

**Keywords:** disabilities, patient, nurse, health literacy, knowledge.

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## ACTIVE AGEING AND WORKING ENVIRONMENT - DO WE HAVE PROGRESSIVE REALIZATION?

**Agnieszka Wedeł-Domaradzka**

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**Research Question:** The concept of active ageing was born out of the need to manage human resources in such a way as to lead to longer working lives and higher retirement age. Over time, there has also been a broader societal need to include or keep older people active in the community due to non-economic factors. This has been addressed through initiatives at both a universal and regional level. The economic factor also gave way to the social factor. This was due to data on the increase in the number of older people and the potential dangers of discrimination.

**Purpose:** What is the research purpose and goal. The proposed paper aims to answer the concept of active ageing and whether it can be implemented progressively. Consequently, a further question arises as to whether systemic analyses, plans and strategies are being made to work towards active ageing. If so, it is also necessary to know the level and evaluation of their implementation. Finally, there also needs to be an analysis of the conclusions drawn from these studies and how this affects the adoption and application of legislation.

**Method:** How was the research purpose achieved, methods used and theoretical approach. The mechanism for examining whether there is progressive implementation requires consideration of several factors. First, it is necessary to identify the trends that have occurred and are occurring at the international level (both universal and regional) and the possible responses of states to these trends. It seems necessary to analyse legal provisions (in the case of international human rights law, also soft-law standards). Third, to pose the question of what financial resources we can have and where these resources should come from (whether only from the economic sector or whether they should be part of a broader system that also includes health care).

**Results:** Short description of the research results. The analysis should conclude whether implementation is effective and, if not, what is needed to achieve this effect. In particular, aspects of legislative action at different levels will be highlighted, including the desirability of a universal convention on the rights of older people and whether and how the employment aspect should be included in it.

**Organization:** What is the research impact on managers, organization, or practice. The preparation of the study will systematise knowledge on what has been achieved so far in the field of active ageing and what still needs to be addressed in terms of changing the way older people are organised and perceived in employment settings. In particular, it will provide a basis for considering whether older people are perceived as a homogenous group, including

whether there are gender differences. The analysis will cover how to identify such people, mainly whether the exit criterion is a key element here and, if so, whether any regulations dedicated to older people can be based on it.

**Society:** What is the research impact on society, social responsibility and environment. The analysis conducted from a social perspective will undoubtedly contribute to the reflection on the perception of older people in the work environment and the identification of their needs. Awareness of the ageing population and the need to keep at least some people at work is an element of social responsibility not only for the fate of these people but also for the model of work performed by workers of different ages. An analysis related to determining the scope of activity of individual age groups and a reflection on whether there may be positive discrimination concerning older people. It might result, for example, from a reduction in working time, additional days off associated with the maintenance of health - rehabilitation, healthcare facilities stays, and care for an also older and not so active life partner) may prove justified here.

**Originality:** What is new about this research, what is the value or the originality of the research. Analyses to date concerning older people have mainly been statistical and have referred to the economic impact of their economic activity on the economy and the pension system. If legal considerations have been carried out, they have tended to focus on a selected aspect of the legislative activity of, for example, the European Union. The present study is intended to be broader, considering the need to synchronise activities while maintaining the principle of complementarity of regulations and adapting them to the specificities of a given country or society.

**Limitations / further research:** Research limitations and suggestions for further research. At present, the issue of active ageing is losing relevance in the face of the crisis in Ukraine. However, it should be borne in mind that this crisis also has economic implications, which implies the need for increased reflection on active ageing. The problem may be the financial resources allocated to particularly health-oriented projects and the organic time for their implementation. Therefore, further research should analyse good practices undertaken at the national level and their wider dissemination between countries. In addition, there might be a need to develop a document on an international level, in which case both the time and the resources to develop it, as well as the promotion among countries to be bound by it, will be significant.

**Keywords:** active ageing, working environment, elderly, discrimination, professional activity, demographic policy, human rights, vulnerable groups.

## ABOUT THE AUTHOR

Agnieszka Wedeł-Domaradzka - received a PhD in international law from Nicolaus Copernicus University, employed at Kazimierz Wielki University in the Institute of Law and Economics. Her research focuses on human rights in the context of the right to life, private and family life, and vulnerable groups' rights. She is the author of more than 80 human rights and international law publications. Her recent works include *The right to an identity: The context of the rights of the migrant child in: Children in Migration. Status and Identity* eds. J. Markiewicz-Stanny, T.Milej, A. Wedeł-Domaradzka, Nomos Verlagsgesellschaft mbH & Co. KG, 2022 and *Between need and desire: the vulnerability of woman and child in surrogacy proceedings in: Women, Children and (Other) Vulnerable Groups. Standards of Protection and Challenges for International Law*, eds. M. Póttorak, I. Topa, Peter Lang, 2021. She is currently completing a co-authored publication commissioned by Routledge Publishers on *Death and Funeral Practices in Poland* and working on the topic of the concept of the best interests of the child in ECHR jurisprudence.

## HUMAN RIGHTS IN INNOVATIVE SUSTAINABLE SOCIALLY RESPONSIBLE SOCIETY

### **Katarzyna Widlas-Klimsiak**

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**Research Question:** Findings of the WHO QualityRights toolkit (2017) revealed and confirmed that long-term institutional care for people with psychosocial disability in many European countries is far below the standard. Psychosocial disability involves actual or perceived impairment due to a diversity of mental, emotional, or cognitive experiences. The term “people with psychosocial disability” includes those who have received a diagnosis related to their mental health or who self-identify with the term. The States parties to the United Nations Convention on the Rights of Persons with Disabilities (the Convention, CRPD) must therefore provide the highest quality of care and human rights-based mechanisms of protection of such persons and their inclusion within society.

**Purpose:** The author aims at identifying principal areas of concern regarding rights of persons with psychosocial disability within States parties to the CRPD and presenting the recommendations emerging from the Committee on the Rights of Persons with Disabilities (the Committee, the CRPD Committee). The Concluding observations on the initial report of States parties to the CRPD were collected from UHRI database.

**Method:** The author selected a number of Concluding observations (2015-2022) that contained keywords such as “psychosocial”, “psychosocial disability” or “psychosocial impairment” and analyzed them in order to indicate the tendency in the lack of implementation of certain measures and provisions to protect persons with psychosocial disability, to assess the quality of institutional care for such persons, and possibly, to find deficiencies in the long-term care.

**Results:** The analysis of the concluding observations proves the tendency in violating rights of persons with disability – certain CRPD articles considered to be highly relevant to persons with psychosocial disability. Among those are involuntary treatment (deprivation of liberty), lack of accessibility standards, inequality before the law and exclusion from the social life. Furthermore, certain legal acts present obsolete and discriminatory terminology based on criteria of disability. Organization: The findings point to clear actions that CRPD suggests be taken by governments and stakeholders to address deficiencies and bring the services into line with the principles and standards to which governments have committed themselves. It can also provide a better understanding of psychosocial disability as a specific type of impairment and the importance of the neutral terminology within legal acts.

**Society:** Confusion between intellectual disability and psychosocial disability is fairly common, though it should be noted that the Convention does not itself provide a definition. Therefore, it was essential for the author to select Concluding observations that clearly distinguish these two

terms and discuss the issue.

**Originality:** The present research paper is intended to showcase the current position of persons with psychosocial disability within the States parties' society and legislature as the Concluding observations addressed the issues raised in the reports produced under the Convention.

**Limitations / further research:** This impacts further implementation of recommendations by certain governments and may set a pattern for avoidance of violation of human rights of persons with such impairments.

**Keywords:** human rights, mental health, psychosocial disability, UN, CRPD, the CRPD Committee, discrimination, human rights model of disability.

## ABOUT THE AUTHOR

Katarzyna Widlas-Klimsiak is a research assistant at the Poznań Human Rights Centre of the Institute of the Law Studies, Polish Academy of Sciences and a legal translator. She holds a Master's degree in English Philology from the Faculty of Humanities at Nicolaus Copernicus University in Toruń (2017) and Master's degree in Law from the Faculty of Law and Administration at Nicolaus Copernicus University (2019). She obtained diplomas of Postgraduate Studies in International Law and Foreign Service at the Faculty of Law and Administration of the University of Warsaw and Postgraduate Studies for the Training of Specialized Translators at the Faculty of English Studies of Adam Mickiewicz University in Poznań. Her research concentrates mainly on the international protection of human rights, counteracting abuse in psychiatry, legal and ethical aspects of scientific research and linguistic aspects of international treaties.

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