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# Straniak Academy

## for Democracy and Human Rights

### Programme

6 to 19 September 2015

Ulcinj/Montenegro

#### Sunday, 6<sup>th</sup> September

- 18:00-19:30 Welcome drink  
Welcome by the leading team of the Straniak Academy
- *Hannes Tretter*
  - *Ivana Jelić*
  - *Nina Radović*
- Introduction of students and organisational questions
- 19:30 Welcome addresses by
- H.E. *Johann Fröhlich*, Ambassador of the Republic of Austria
  - Mr. *Milan Mrvaljević*, Honorary Consul of the Republic of Austria
  - Deans or Vice-deans of the Faculties of Law and of Political Science of the University of Montenegro
- 20:00 Reception

#### Part 1: Introduction

#### Monday, 7<sup>th</sup> September

- 09:30-11:00 Initial lessons & discussions: What does democracy, rule of law and human rights mean? Is there a coherence of them? What are the powers in a modern democracy, how does the system of 'checks & balances' work? (*Hannes Tretter* and *Ivana Jelić*)
- 11:00-11:30 Break
- 11:30-13:00 Concepts & standards, strengths & weaknesses of modern democracies (*Sonja Tomović-Šundić* and *Vedran Dzihic*)
- 13:00-15:30 Lunch & Beach

- 15:30-17:30 Reality of democracy in Southeast European States (*Sonja Tomović-Šundić and Vedran Džihić*)
- 17:30-18:00 Break
- 18:00-19:30 Reality of the rule of law and human rights in western Balkan states (*Vedran Džihić and Milan Popović*)

## Part 2: United Nations

### Tuesday, 8<sup>th</sup> September

- 09:30-11:00 The Universal Declaration of Human Rights and the development of the UN Human rights framework (*Hannes Tretter and Ivana Jelić*)
- 11:00-11:15 Break
- 11:15-13:00 Actual status and challenges of the UN human rights protection system (*Hannes Tretter and Ivana Jelić*)
- 13:00-15:00 Lunch & Beach
- 15:00-16:30 Transitional justice, individual criminal responsibility and special International Criminal Tribunals (ICTY, UNICTR, SCSL, Khmer Rouge Tribunal) (*Christina Binder and Vasilka Sancin*)
- 16:30-16:45 Break
- 16:45-18:15 Transitional justice, individual criminal responsibility & the International Criminal Court (ICC) (*Christina Binder and Vasilka Sancin*)
- 18:15-18:30 Break
- 18:30-20:00 Evening discussion with legal experts from the ICTY Outreach Programme  
Moderation: *Christina Binder*

### Wednesday, 9<sup>th</sup> September

- 09:30-11:30 Responsibility to protect (R2P) – Peace enforcement, humanitarian intervention & UN case studies (Ruanda, Kuwait-Iraq, Sudan, Libya, Iraq, Syria) (*Vasilka Sancin and Hannes Tretter*)
- 11:30-11:45 Break
- 11:45-13:00 The case of the “Islamic State (IS)” – What could/should be done with regard to R2P and international criminal jurisdiction? (*Vasilka Sancin and Hannes Tretter*)
- 13:00-14:00 Lunch
- 14:00 Time for studying

### **Part 3: OSCE**

#### **Thursday, 10<sup>th</sup> September**

- 09:00-10:45 The Organisation for Security and Cooperation in Europe (OSCE) – its history and mission & OSCE in practise (human dimension, conflict prevention, early warning, crisis management, mediation) (*Hannes Tretter and Vasilka Sancin*)
- 10:45-11:00 Break
- 11:00-12:30 The Dayton Agreement and Bosnia and Herzegovina today (*Wolfgang Petritsch and Nina Radović*)
- 12:30-13:30 Lunch
- 13:30-15:00 Rights of ethnic and national minorities (*Ivana Jelić and Hannes Tretter*)
- 15:00-16:00 The Ukrainian crisis – challenges and threats for the OSCE (*Wolfgang Petritsch and Vasilka Sancin*)
- 16:00-16:30 Break
- 16:30-19:30 Role play: Negotiations for a friendly settlement of the Ukraine crisis (*Wolfgang Petritsch and Vasilka Sancin*)

### **Part 4: Council of Europe**

#### **Friday, 11<sup>th</sup> September**

- 09:30-11:00 Introduction into the human rights regime of the Council of Europe (*Hannes Tretter and Ivana Jelić*)
- 11:00-11:15 Break
- 11:15-13:00 European Convention on Human Rights (ECHR) and the European Court of Human Rights (ECtHR) (*Hannes Tretter and Nebojša Vučinić*)
- 13:00-14:00 Lunch

### **Part 5: European Union**

- 14:00-18:00 The fundamental rights framework of the EU – Treaty of Lisbon, EU Charter of Fundamental Rights (CFR), the relationship between the Court of Justice of the EU (CJEU) and the European Court of Human Rights (ECtHR) before and after the accession of the EU to the European Convention on Human Rights (ECHR), the role of the EU Fundamental Rights Agency (FRA) (*Gabriel Toggenburg and Vesna Knežević Predić*), including break
- 18:30-20:00 Evening discussion: Human rights and rule of law in the EU enlargement and integration process – achievements and challenges of the EU accession countries Montenegro, Albania and Serbia (*Wolfgang Petritsch, Gabriel Toggenburg, Svetlana Rajković*, Director General for European Integration in the Montenegrin Ministry for Foreign Affairs, *Vesna Knežević Predić*, and *N.N.* from Albania)  
Moderation: *Ivana Jelić*

## **Saturday, 12<sup>th</sup> September**

Excursion to Budva, Cetinje, Lovćen, and Kotor

## **Sunday, 13<sup>th</sup> September**

Free time & time for studying

## **Part 6: Selected human rights issues**

### **Monday, 14<sup>th</sup> September**

- 09:30-11:00 Independence and impartiality of the judiciary and procedural rights with a focus on the right to personal liberty and security (*Ivana Krstić and Christof Tschohl*)
- 11:00-11:15 Break
- 11:15-13:00 Freedom of expression, independence and pluralism of the media as preconditions for a living democracy (*Hannes Tretter and Filip Radunović*)
- 13:00-15:00 Lunch & Beach
- 15:00-16:30 Right to vote, political participation, and transparent parliamentarism as basic elements for a living democracy (*Ivana Jelić and Olivera Komar*)
- 16:30-16:45 Break
- 16:45-18:15 Economy and human rights (*Christoph Liebscher*)
- 18:15-18:30 Break
- 18:30-20:00 Evening discussion with *Christoph Liebscher* and Montenegrin lawyers and representatives of civil society on possible political impacts of civil society and necessary legal reforms  
Moderation: *Hannes Tretter*

### **Tuesday, 15<sup>th</sup> September**

- 09:30-11:00 Combating corruption and the concept of good governance (*Verena Wessely and Olivera Komar*)
- 11:00-11:15 Break
- 11:15-13:00 Data protection and access to information (*Aleksa Ivanović and Christof Tschohl*)
- 13:00-15:00 Lunch & Beach
- 15:00-16:30 Women's and children's rights (*Julia Planitzer and Ajša Hadžibegović*)
- 16:30-16:45 Break
- 16:45-18:15 Combating trafficking in human beings (*Julia Planitzer and Ivana Krstić*)

### **Wednesday, 16<sup>th</sup> September**

- 09:30-13:00 The principles of equality and non-discrimination & Combating discrimination and underlying ideologies like racism, anti-semitism, xenophobia, islamophobia and homophobia (*Katrin Wladasch and Mehmed Dječević*), including break
- 13:00-15:00 Lunch & Beach
- 15:00-17:30 LGBT rights (*Helmut Graupner and Jovan Kojičić*)
- 17:30-18:00 Break
- 18:00-19:30 Evening discussion with experts on gender issues and various forms of discrimination with a special focus on the Western Balkan region

### **Thursday, 17<sup>th</sup> September**

- 09:00-11:00 Social rights and poverty reduction, right to property (*Karin Lukas and Laura Maria Crăciunean*)
- 11:00-11:15 Break
- 11:15-13:00 Human rights and corporate social responsibility (*Karin Lukas and Vladimir Savković*)
- 13:00-14:00 Lunch
- 14:00 Time for studying

### **Friday, 18<sup>th</sup> September**

- 09:30-11:00 Prohibition of torture and inhuman and degrading treatment including CPT, OPCAT and the rights of prisoners (*Hannes Tretter and Ivana Krstić*)
- 11:00-11:15 Break
- 11:15-13:00 Asylum, refugees, IDPs and immigrant societies: challenges and political concepts (*Ivana Jelić and Katrin Wladasch*)
- 13:00-14:00 Lunch & Beach
- 14:00-17:00 Time for studying
- 17:00-19:00 Multiple choice test
- 20:00 Farewell party

### **Saturday, 19<sup>st</sup> September**

- 10:00 Handing over certificates to the students  
Farewell addresses and reception  
Departure

**As to the lectures:**

All lectures will be given by a **'tandem' of teachers**, namely by one expert from an EU Member State and one from a Western Balkan State.

**The teachers are** (in alphabetical order):

**Christina Binder** is University Professor of international law at the University of Vienna and Deputy Director of the interdisciplinary research centre "Human Rights". Her fields of expertise are general public international law, the law of international relations and conflicts, international human rights and humanitarian law and the rights of indigenous peoples. She regularly publishes and teaches in these fields. Christina also has long-standing work experience as independent consultant/legal expert for OSCE/ODIHR and EU election observation and assessment missions.

**Laura Maria Crăciunean** is Associate Professor PhD, at "Lucian Blaga" University of Sibiu, Romania, Faculty of Law, where she teaches courses on Public International Law, International Humanitarian Law and Diplomatic Law. Her research interests include economic, social and cultural rights, cultural diversity, human rights and minorities protection. She is a member of the European Society of International Law (since 2007) and serves as an independent expert in the UN Human Rights Council Advisory Committee (since 2014).

**Mehmed Dječević** is Teaching Assistant and Researcher at the Faculty of Political Science of the University of Montenegro, where he researches mainly in social psychology. He is a doctorate candidate in the department of Social Work and Social Policy at the University of Montenegro, where he defended his master thesis in social psychology in 2010. He graduated in psychology at University of Sarajevo, Bosnia and Herzegovina in 2006. In addition, he attended gestalt psychotherapy and transactional analysis education for years. He contributes regularly to the international and domestic conferences and publishes.

**Vedran Džihić** is Senior Researcher at the Austrian Institute for International Politics and holds lectures at the University of Vienna. His field of expertise are socioeconomic and political transformation, conflict studies, international conflict management, European integration, EU enlargement. Since 2010, he is an Austrian Marshall Plan Fellow and Senior Fellow at the Paul H. Nitze School for Advanced International Studies, Johns Hopkins University, Washington, USA.

**Helmut Graupner** is active in many human rights fields. He is a lawyer in private practice in Vienna and lecturer at the Vienna Academy of Sexology. He is Co-Coordinator of the European Commission on Sexual Orientation Law (ECSOL), Director for Europe of the International Lesbian, Gay, Bisexual, Transgender & Intersex Law Association (ILGLaw) and counsel of crime victims on behalf of victim protection centres (Vienna Ombudspersons for Children and Adolescents, Helpline for Raped Women and Girls, and others). In addition, he is co-founder and hitherto President of Law Committee LAMBDA (RKL) and Co-President of the Austrian Society for Sexologies (ÖGS), acting as counsel in leading cases before the European Court of Human Rights and the Court of Justice of the European Union, and served as an expert for the German federal parliament (Bundestag), the Austrian federal parliament (Nationalrat) and Austrian Ministers of Justice. He is also legal adviser to ILGA-Europe and temporary adviser of UNAIDS, member of the Austrian Federal HIV/Aids-Commission and of the World Association for Sexual Health (WAS).

**Ajša Hadžibegović** is Program Director of the NGO Civic Alliance in Montenegro. She has professional experience as trainer on peace education, conflict transformation, human and children rights, employability, inclusion, project management, training and presentation skills, communication and fundraising. She is also a member of the working groups for drafting the Strategy for Development of the NGO sector and the Law on Youth in Montenegro.

**Aleksa Ivanović** is a member of the Council at the Agency for Personal Data Protection in Montenegro. He worked for diverse international organisations such as the OSCE Mission to Montenegro, and has profound experience in the rule of law and in the NGO sector. In addition, he was a member the working group for drafting Montenegrin law on NGOs, working group for Preparation of the Draft Law on Discrimination, and the State Committee for Reducing Weapons.

**Ivana Jelić**, Deputy Director of the Straniak Academy for Democracy and Human Rights, is Associate Professor at the Law Faculty and Faculty of Political Science in Podgorica, University of Montenegro. She teaches public international law, international human rights law and diplomatic and consular law. She has profound working experience as consultant/expert with the CoE, EU, OSCE, OECD, ICRC, UNDP, and provided expertise on the harmonization of Montenegrin legislation with EU standards. Since 2012, she is a member of the Advisory Committee on the CoE Framework Convention for the Protection of National Minorities in respect of Montenegro. She has been recently elected as a member to the UN Human Rights Committee, for mandate period 2015-2018. She published numerous scientific papers, among which three monographs.

**Vesna Knežević Predić** is Chair in public international law and law of international organizations of the Faculty of Political Sciences, University of Belgrade. She is Head of The Faculty's Center for International Humanitarian Law and International Organisations and a member of the Commission for International Humanitarian Law of the Serbian Red Cross. Prof. Knežević-Predić acted as principle legal advisor to the Ministry of foreign affairs of Serbia and has rich expertise in international academic projects. She authored several books and published extensively in international and domestic journals.

**Jovan Kojičić** is Assistant Professor in European Law. Prof. Kojičić has an extensive background in the human rights field, policy and legislative framework, as well as in environmental law and international environmental law. Prof. Kojičić obtained his Doctor of Laws (Dr. iur.) degree at the Viadrina European University in Germany. During his doctoral studies, he was awarded the prestigious German Academic Exchange Service (DAAD) Fellowship. Prof. Kojičić joined the Faculty of Administrative and European Studies in Podgorica in April 2008. In addition, he has finished his post-doc in the field of human rights in international law and the relation of law to social change (in the non-discrimination field) at the Lund University Department of Sociology of Law in Lund, Sweden.

**Olivera Komar** is Assistant Professor at the Faculty of Political Science in Podgorica, University of Montenegro and teaches on contemporary political systems, introduction to political science, political communication, political behaviour, introduction to comparative politics, political marketing and public opinion. Since November 2012, she is Vice-dean for international cooperation at the Faculty of Political Science, University of Montenegro.

**Ivana Krstić** is Assistant Professor at the Faculty of Law, University of Belgrade and holds lectures on international human rights law, international public law, minority rights, animal rights, international jurisprudence with particular emphasis on the ECtHR. She has profound working experience in

diverse international organisations such as the World Bank, UNICEF, IOM, OSCE, UNHCR and UNWOMEN.

**Christoph Liebscher** not only does he have decades of experience as attorney and arbitrator. For several years, he had left the law to take over management responsibilities in several European multinationals. He is well versed in the gas industry, including gas price revisions. He publishes and lectures regularly. Having built up the arbitration department of a large CEE law firm, he founded Liebscher Dispute Management. In addition to his activities in arbitration, he advises comprehensively in dispute situations (from a legal and a business perspective).

**Karin Lukas** is Senior Researcher and Team Leader of the Human Rights in Development Cooperation and Business Team at the Ludwig Boltzmann Institute of Human Rights. She holds lectures, trainings and presentations for various target groups on human rights and business, women's rights and development cooperation. She is a member of the European Committee of Social Rights, Council of Europe and works as consultant for UNDP, Austrian Federal Ministry of Foreign Affairs, Austrian Development Agency, OMV, etc.

**Wolfgang Petritsch** was the EU's Special Envoy for Kosovo (1998-1999), EU chief negotiator at the Kosovo peace talks in Rambouillet and Paris (1999), and then High Representative for Bosnia and Herzegovina (1999-2002). He served as the Austrian ambassador to the UN in Geneva (2002-2008) and to the OECD in Paris (2008-2013), and was the Joseph A. Schumpeter Fellow at Harvard University (2013-2014). He is currently the President of the Austrian Marshall Plan Foundation.

**Julia Planitzer** works as Legal Researcher at the Ludwig Boltzmann Institute of Human Rights in the Unit for Women's Rights, Children's Rights and Trafficking in Human Beings. Her current work focuses on trafficking in human beings. Between 2010 and 2013 she was a research fellow at the Doctoral College "Empowerment through Human Rights" of the University of Vienna.

**Milan M. Popović** is a theoretician of modern society, sociologist and political scientist. He is ordinary professor at the University of Montenegro in Podgorica, teaching in the field of Modern Political Systems. Prof. Popović is visiting professor and lecturer at several European and international universities as well as local and international non-governmental programs. He declares himself as anti-war, civil and democratic activist. He is member of a large number of local and international non-governmental organizations. Prof. Popović is author of about twenty books on social sciences and two novels. He is regular columnist for the Montenegrin independent weekly *Monitor*. A more detailed biography and bibliography can be found on the website: [www.milanmpopovic.info](http://www.milanmpopovic.info)

**Nina Radović** is working for the Ludwig Boltzmann Institute of Human Rights in Vienna as Coordinator for the Straniak Academy for Democracy and Human Rights and Coordinator for the Initiative on Supporting the Civil Society in Bosnia and Herzegovina. She holds a Master Degree in French Language and Philology and International Development and is currently enrolled at the Law Faculty of the University in Vienna. Her academic and professional focus lies on the Western Balkan region. She previously worked for the OSCE Mission in Bosnia and Herzegovina, in the area of minority rights.

**Filip Radunović** works as project manager for ERSTE Foundation's Europe Programme, overseeing initiatives on media freedom, civic education and democratisation, social research and EU-Policy/good governance. He studied communication studies and political science at the University of



Vienna where his Masters and doctoral theses focused on semiotics and media psychology. Filip worked in the past as a researcher at the Institute for Communication and Media Science in Vienna and for KulturKontakt Austria in Podgorica, Montenegro. He continues to pursue his academic interest as a lecturer in media theories at the Faculty of Drama Arts in Cetinje, Montenegro.

**Vasilka Sancin** is a Vice-Dean and a Director of the Institute for International Law and International Relations at the Faculty of Law, University of Ljubljana, where she teaches public international law, law of armed conflict, diplomatic and consular law, international legal aspects of the EU law and international organisations at undergraduate and postgraduate level. She is also a Director of the Centre for International and Business Law in Ljubljana and a Conference Chair of two series of biannual conferences on R2P (Responsibility to Protect in Theory and Practice Conferences – [www.r2pconference.com](http://www.r2pconference.com)) and environmental issues ([www.environmentlawconference.com](http://www.environmentlawconference.com)).

**Vladimir Savković** is Vice Dean at the Faculty of Law of the University of Montenegro and Assistant Professor at the Department of Business and Corporate Law. As one of the negotiators, he is also intensively involved in the negotiation process between European Union and Montenegro in regard to the accession of Montenegro. He authored numerous scientific papers and regularly publishes at national and international level.

**Gabriel Toggenburg** works for the European Union Agency for Fundamental Rights (FRA). He is responsible for the coordination of the FRA annual report, as well as the Agency's Scientific Committee, and is also a member of the Opinions Committee. His areas of expertise with respect to the FRA's work include diversity related issues like minority rights and general questions of EU law, including the Charter of Fundamental Rights. He worked for a decade at the European Academy in Bolzano as a senior legal researcher, where he also provided policy advice. In addition, he has been a visiting academic at universities in the United States and Austria. He studied law, and has published extensively on a range of human rights issues, with over 60 peer-reviewed journal articles and book chapters.

**Sonja Tomović-Šundić** is Professor at the Faculty of Political Science Podgorica, University of Montenegro. Her major courses are anthropology and ethics. Her recent research interest is focused on culture of human rights and democracy in transitional societies. She published an extensive number of books and papers. Since 2008 she is Advisor on human rights of the President of Montenegro, Mr Filip Vujanović.

**Christof Tschohl** is Scientific Director of the Research Institute AG & Co KG in Austria, Of Counsel at the Ludwig Boltzmann Institute of Human Rights, Lecturer in education and training of Austrian judges and prosecutors, Lecturer at the Danube University Krems and the University of Vienna. He is also Board Member of the 'Working Group on Data Retention Austria' ([AKVorrat.at](http://AKVorrat.at)) and Board Member of the Austrian Computer Society (OCG). His fields of expertise are fundamental and human rights in the digital information society, technology and law, telecommunications law, media law and IT law, as well as fundamental rights in the judicial practice.

**Hannes Tretter**, the Director of the Straniak Academy for Democracy and Human Rights, is Associate Professor for fundamental and human rights law at the inter-disciplinary Research Centre Human Rights of the University of Vienna, and Scientific Director of the Ludwig Boltzmann Institute of Human Rights (BIM) in Vienna. He is also teaching at the Danube University Krems/Austria and as a Visiting Professor at the University of Montenegro. He was and is acting as human rights expert in various EU projects and as legal adviser in procedures before the European Court of Human Rights.

Between 2007 and 2012 he was Vice-chair of the Management Board of the European Union Agency for Fundamental Rights (FRA).

**Nebojša Vučinić** is Judge at the European Court of Human Rights. He was Head of the Department of international law and international relations at the University of Montenegro. In 1992 was one of the first in the countries of the former SFR of Yugoslavia to introduce a special course on human rights law at the Podgorica Faculty of Law. He was leader of Legal Clinics in international law and human rights law and Head of the Law Faculty Team on Moot Court Competition and Debate Club on human rights issues. He was also member of the Judge Council, whose mandate is to propose judge candidates to the Parliament of Montenegro.

**Verena Wessely** works in the International Department of the Austrian Federal Bureau of Anti-Corruption. Before that function, she worked among other functions as OSCE Long-term election observer and Programme and Project Manager within the European Commission/EU Delegation in Belgrade.

**Katrin Wladasch** works as Legal and Socio-Economic Researcher at the Ludwig Boltzmann Institute of Human Rights. Her main areas of expertise are anti-discrimination, diversity and access to justice and her work focuses on bringing the underlying principles into practise – in Austria as well as in EU accession countries. She is vice-president of the Litigation Association of NGOs against discrimination, member of the monitoring body for the UN Convention on the Rights of Persons with Disabilities in Vienna and was founding board member of the NGO ZARA for civil courage and anti-racism work (1999-2013) and member of the human rights advisory board to the Austrian Ombudsman Office (2012-2014). She is lecturer at the University of Vienna, the Danube University Krems and the University of Applied Sciences bfi Vienna and has been working as a human rights consultant and trainer since 1999.

#### Also supported by:

